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ABSTRACT

This report discusses UNESCO sponsored meetings concerned with the protection of journalists around the world. The first section of the report examines the efforts of UNESCO, including two studies commissioned by the International Organization of Journalists (IOJ) and the International Federation of Journalists (IFJ), which recommended that further study be given to the definition of "journalist," the protection of journalists on dangerous assignments and on assignments abroad, the protection of journalists at home, and international instruments. The second section examines the efforts of the International Commission for the Study of Communication Problems and the Protection of Journalists. Proposals by professional journalism organizations are offered in the third section. The preliminary draft international convention for the safety of journalists that was submitted to the Human Rights Commission of the United Nations is examined in the fourth section. The final two sections present the viewpoints of the IFJ and the IOJ. Appendixes include the Draft International Instrument submitted to the Consultation on the Protection of Journalists, a description of the World Press Institute, and recommendations of the Intergovernmental Conference on Communication Policies in Asia and Oceania concerning the World Press Institute. (HOD)

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THE PROTECTION OF JOURNALISTS

New communication order 4

Unesco

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DOCUMENTS ON THE NEW COMMUNICATION ORDER

Titles published in English :

1. Impact of Modern Communication Technology - I : AUSTRALIA
2. Impact of Modern Communication Technology - II: INDONESIA
3. Flow of News in the Gulf
4. Protection of Journalists

Titles published in French :

4. La Protection des Journalistes

ADDENDUM/CORRIGENDUM TO THE PUBLICATION

PROTECTION OF JOURNALISTS

(NEW COMMUNICATION ORDER No. 4)

- page 11: The title should read as follows: "Document adopted by the representatives of IFJ and IOJ"
- page 19: The first paragraph should read as follows:
 - 4) Meeting of International and Regional Journalists' Organizations (Mexico, 1-3 April 1980)
A meeting between international and regional journalists' organizations was held in Mexico City from 1-3 April 1980. Some thirty delegates and observers representing five professional journalists' organizations participated in the meeting: the International Organization of Journalists (IOJ), the Federation of Arab Journalists (FAJ), the International Catholic Union of the Press (UCIP), the Confederation of ASEAN Journalists (CAJ) and the Latin American Federation of Journalists (FELAP) which organized the meeting with the assistance of Unesco.
- page 19: Footnote: The following title should be added after Pierre Gaborit:
 - * (Consultant of the President of IOJ, member of the International Association of Democratic Lawyers)
- page 20: The last three paragraphs will be replaced by the following paragraphs:

The Communiqué published at the end of the Mexico meeting contains the following items on the protection of journalists:

 - Protection of journalists in the exercise of their profession was discussed on the basis of documents introduced by the representative of Unesco. The theme was found to be of great importance particularly considering the undemocratic and unstable conditions which prevail in different continents, notably in Latin America.
 - The meeting recognized Unesco's efforts in this field and decided to give its support to the establishment of an international Professional Committee for the Protection of Journalists confronted by violence in the legitimate exercise of their profession, to be constituted under the auspices of Unesco and composed of representatives of those international and regional organizations of professional journalists which were invited to the present consultative meeting as well as of representatives of the International Commission of Jurists, the International Association of Democratic Lawyers, the International Red Cross and the International Red Crescent. It was foreseen that the first

meeting of this Committee be held in December 1980 in Paris - before a broader consultation which Unesco will organize on the protection of journalists.

- The meeting also supported the proposal of the "Mac Bride Commission" that Unesco should convene periodic Round Tables to review problems related to the protection of journalists. Furthermore the organizations attending the present meeting confirmed the agreement of the first consultative meeting in 1978 to coordinate their relevant solidarity actions in support of persecuted journalists having carried out their normal journalistic activities.

- page 125: The following sentence in parenthesis at the end of the paragraph will be deleted : (The case of Great Britain is a typical exemple of the second situation)

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INTRODUCTION

WHY, FROM WHOM AND FROM WHAT

SHOULD JOURNALISTS BE PROTECTED ?

The protection of journalists has been the subject of concern for many years in professional circles. The disappearance of war correspondents in armed conflicts during the fifties prompted initial discussions on the protection of journalists. This question centred upon the protection of journalists on dangerous missions, which, during this period, took place in Korea and Vietnam, and at times in certain regions of Africa and Latin America.

The professional journalists' organizations began to examine this matter, in collaboration with the International Commission of Jurists, towards the end of the sixties.

The Secretary-General of the International Commission of Jurists, Mr. Sean MacBride, was requested in 1967, by the president of the foreign press association in Switzerland, to study this question and to prepare a first draft convention on the protection of journalists on dangerous missions.

The first draft was presented in early 1968 to a seminar in Geneva, where various amendments were made. In order to proceed with maximum efficiency in preparing this draft, the organizers of the meeting also

contacted the directorate of the International Red Cross. The first draft text thus drawn up was subsequently discussed by professional organizations.

The year 1970 was marked by the loss of numerous journalists throughout the world. Seventeen foreign correspondents disappeared in Cambodia in May 1970. This led the professional organizations to adopt a more vigilant stance and to seek out new measures for the protection of journalists. The International Federation of Newspaper Publishers (IFNP), the International Press Institute (IPI), the International Federation of Journalists (IFJ) and the International Organization of Journalists (IOJ) held several meetings in order to draw up a draft text for the safety of journalists on dangerous missions. This draft was submitted to the United Nations for the preparation of an intergovernmental instrument. The United Nations General Assembly, after having examined the question, adopted a resolution in December 1970 on the protection of journalists engaged in dangerous missions in areas of armed conflict, invited the Commission on Human Rights to study the possibility of drawing up a draft international agreement ensuring the protection of journalists, and requested the Secretary-General of the United Nations to submit a report on this question to the next session of the General Assembly.

The professional journalists' organizations which were originally responsible for the project held another meeting where they drew up a preliminary draft international convention on the creation of a Committee for the Safety of Journalists, which was submitted to the U.N. Commission on Human Rights. The Commission adopted this preliminary draft in March 1971 and requested the Economic and Social Council (ECOSOC) of the United Nations to transmit this draft to the next session of the U.N. General Assembly.

The General Assembly decided in December 1972 to place this question on the agenda of its twenty-eighth session. Numerous draft amendments were submitted by Member States during examination of the Draft Convention. In

a resolution adopted in November 1973 ⁽¹⁾, the General Assembly expressed the opinion that it would be desirable to adopt a convention ensuring the protection of journalists engaged in dangerous missions in areas of armed conflict. The General Assembly requested the Secretary-General to transmit to the "Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts" the Draft Convention and amendments, together with the observations and suggestions made during the twenty-eighth session.

The Diplomatic Conference, after having carefully studied the question, prepared a draft article on the protection of journalists, to add to the Draft Additional Protocol I to the Geneva Conventions of 1949, and also prepared a model identity card for journalists engaged in dangerous missions.

During its thirtieth session in 1975 the U.N. General Assembly once again included this question in its agenda. The General Assembly took note of developments concerning the draft, but was unable to take a definite decision.

This question has been the subject of attention at Unesco since the nineteenth session of the General Conference in Nairobi in 1976. The Director-General of Unesco, in the course of his press conferences given in Nairobi and Paris in 1976, stressed the importance of this question and suggested that consideration be given to the measures to be taken for the protection of journalists.

The following year, in April 1977, Unesco organized an exchange of views on this question during a colloquium in Florence.⁽²⁾ But it was in the 1979-1980 Unesco Programme, approved by the General Conference at its twentieth session, that the protection of journalists for the first

(1) Resolution 3008 (XXVIII) adopted on 2 November

(2) Colloquium on the Free and Balanced Flow of Information between Developed and Developing Countries (Florence, 18-20 April 1977).

time found its place. In a paragraph entitled "Improvement of professional standards and status and protection of journalists" (para. 4483) it was specified that studies would be undertaken to provide journalists with "the necessary protection for the exercise of their profession in the best possible conditions of accuracy and objectivity". In another paragraph entitled "Responsible and comprehensive reporting of international news" (para. 4438) it was requested that a meeting be held to examine "ways of protecting journalists and information specialists so that they can carry out their duties with complete objectivity".

Moreover, the protection of journalists was the subject of two important references in the Declaration on the Principles concerning the Mass Media⁽¹⁾ adopted by the 20th General Conference. First of all, Article II (paragraph 4) states that "it is essential that journalists and other agents of the mass media, in their own country or abroad, be assured of protection guaranteeing them the best conditions for the exercise of their profession". Secondly, Article IX stipulates that "In the spirit of this Declaration, it is for the international community to contribute to the creation of the conditions for the protection, in the exercise of their functions, of journalists and other agents of the mass media".

The International Commission for the Study of Communication Problems, created after the General Conference at Nairobi, organized two consultative meetings on the protection of journalists (the first in February 1979 and the second in May 1979). Numerous professional communication organizations participated in these meetings. This question was also discussed by the Commission itself. The Commission's Final Report devoted two sections to the protection of journalists.⁽²⁾

(1) Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War.

(2) Many Voices, One World : Communication and Society, Today and Tomorrow, Kogan Page/Unipub/Unesco, 1980, pp. 234-236 ; 274.

The most recent activities concerning this question have been the consultative meeting organized by Unesco in January 1980 and the meeting of international and regional journalists' organizations, held in Mexico in April 1980. Significant progress was made at both meetings. (See Chapter I, sections 3 and 4).

What has taken place since the preparation of the preliminary draft in 1967 up to the present time ? There have been many changes in the world. The initial draft was very limited in scope as it was primarily concerned with the protection of journalists on dangerous missions. Today we have gone beyond this stage and reference is made to the protection of the journalist both abroad and at home, for journalists are exposed to danger not only in covering armed conflicts, but everywhere. Since the development of acts of terrorism and violence throughout the world, the journalist invariably runs the same risks in exercising his profession, no matter where he may be. He is threatened, arrested, harassed, tortured, maltreated, beaten, kidnapped, imprisoned and even murdered. The entire world has become one huge area of conflict. The journalist is not free to work in peace and security anywhere, and often he has no protection whatsoever. Everyone, his readers, listeners and television audience expect him to write, speak and show the honest and unadulterated truth. But at what price ? Everyone knows that the journalist has professional and moral responsibilities and duties. But how can the journalist exercise his profession when he is subject to coercion and threat ? And how can measures be taken to ensure a certain protection to the journalist ?

If it is the government which should take these measures, such action is misunderstood by certain members of the profession, who view these measures as interference in matters only of concern to journalists.

If it is the profession itself which should take these measures, they are often ineffective in many countries. It is therefore a question of professional ethics, which should accordingly be treated within the

context of the rights and responsibilities of journalists. However, wherever the definition of rights and responsibilities is discussed, problems that are both political and of a complex nature arise.

Furthermore, it is difficult to establish a dialogue between the journalist, who becomes the accuser, and the individuals who interfere with the exercise of the profession, and who thus become the accused. This is a very thorny matter, which is very difficult to treat in certain countries. Do governments have the right to take any measures whatsoever to restrict journalists' activities? What are the limits on such restrictions? Who is to be the judge in such cases?

The protection of journalists should also be part of a New World Information and Communication Order. This question, which so far has not been settled, should be reconsidered and given further thought in connexion with the establishment of a new order, which should provide the journalist with certain guarantees in the exercise of his profession. But how can these guarantees and this protection be assured? The present tendency in professional meetings is for professional organizations to examine this question, without the interference of governments. It is suggested that Unesco assume the role of co-ordinator between the various professional organizations. For an experimental period, we will only observe the situation and alert professional and governmental groups. If necessary, the preparation of an international instrument could be studied at a later date.

The question of the protection of journalists on dangerous missions is a much simpler matter. There has been considerable work in this area; a draft text was even drawn up in the seventies. It should not be very difficult to revive this text. But there is still much to be done before the journalist can exercise his profession in peace.

Hifzi Topuz

The opinions expressed in this document do not necessarily reflect the views of Unesco.

UNESCO AND THE PROTECTION OF JOURNALISTS

The protection of journalists has been the subject of attention at Unesco since the nineteenth session of the General Conference in Nairobi in 1976. The Director-General of Unesco, Mr. Amadou-Mahtar M'Bow in the course of his numerous press conferences, ⁽¹⁾ has stressed the significance of this question in the following terms : "Freedom and responsibility cannot be viewed separately from protection. There is the question of the freedom to inform and the responsibility underlying information, but also that of the protection of information personnel. Where there is responsibility without protection, then this responsibility cannot be fully assumed, as journalists themselves will be reluctant to exercise their profession honestly and correctly if they know that once they have provided accurate information they will be exposed to reprisals of one kind or another.

The various considerations on the right to communicate lead quite naturally to the posing of the whole question of the responsibilities of information personnel vis-à-vis society, both as individuals exercising a profession and as groups possessing considerable powers. In this connection, our Organization should contribute to the gradual establishment of a common professional deontology, by helping its Member States to define the rights and duties of information personnel. But it is impossible to urge too strongly the need for effectively protecting the latter from any arbitrary action by which they might be adversely affected in the exercise of a function which demands the strictest objectivity. Compliance with ethical standards, it must be recognized, is not without risk for the members of the profession

(1) Press conference of 16 November 1976 at Nairobi and 14 December 1976 at Unesco Headquarters.

2

themselves, who must be afforded adequate guarantees to put them beyond the reach of pressure and reprisal".

1) The Florence Colloquium (18-20 April 1977)

The question of the protection of journalists was first examined by Unesco at a colloquium held in Florence in April 1977 on the free and balanced flow of information between developed and developing countries. The importance of the protection of journalists was expressed in the working document⁽¹⁾ presented at the colloquium in the following terms :

"In the first place, legislators should recognize unequivocally the role of information personnel, which has something in common with that of educators, in economic and social progress, as in the safeguarding of cultural identity, in the promotion of human rights and in the development of understanding between peoples. It is equally important that the responsible authorities should undertake to communicate, within a reasonable time, news concerning matters of public interest, if they wish that the journalists, on their side should provide their readers or listeners with the fullest and most objective information possible on the problems of all kinds with which society is faced and on the action proposed for their solution. This means that the intervention of the public authorities in this sphere should not prejudice the freedom to seek, receive, communicate and publish news, for without its dissemination a genuine public opinion is hardly conceivable.

No less important is the need to protect information personnel from the dangers of private monopolies and their concentration. If journalists are to be answerable for the honesty of the news they give to the public,

(1) The Status and Responsibilities of Information Personnel and the Protection of Journalists in the Exercise of their Profession (OPI-77/WS/3, Paris, April 1977).

it is highly desirable that the rights of ownership and the public service character attaching to the press, radio and television should be harmonized in some statute governing the press and other information bodies. It is also advisable to provide journalists, particularly in the developing countries, with adequate professional resources and techniques ; to promote the elaboration of charters of the profession ; to facilitate the setting up of committees which would enable the journalists themselves to discipline shortcomings of information personnel in their obligations towards citizens. Foreign correspondents and special reporters should enjoy the same professional guarantees as nationals ; and protection should be ensured for journalists on dangerous missions in zones of armed conflict".

After discussing the question at length, Commission III, responsible for studying "the status and responsibilities of information personnel and the protection of journalists in the exercise of their profession", expressed the following ideas in its report :

"All States should protect journalists in the performance of their duties, so as to ensure the freest possible flow of information in every direction. The authorities should guarantee to journalists the rights and the means to practise their profession efficiently".

2) Declaration on the Fundamental Principles Concerning the Mass Media

The Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War, adopted by acclamation at the Unesco General Conference at its twentieth session in November 1978, constitutes one of the first international documents on the protection of journalists. In Article II, paragraph 4 of the Declaration , it is stipulated that :

"If the mass media are to be in a position to promote the principles of this Declaration in their activities, it is essential that journalists and other agents of the mass media, in their own country or abroad, be assured of protection guaranteeing them the best conditions for the exercise of their profession".

Furthermore, Article IX states that :

"It is for the international community to contribute to the creation of the conditions for (...) the protection, in the exercise of their functions, of journalists and other agents of the mass media. Unesco is well placed to make a valuable contribution in this respect".

It can be said that Unesco has devoted special attention to the question of the protection of journalists since the Declaration was adopted by the General Conference.

3) Consultative Meeting with IFJ and IOJ (Paris, 21-22 January 1980)

Unesco's Programme and Budget for 1979-1980 instructed the Secretariat to undertake "case studies and begin consultations, in co-operation with the professional organizations concerned, in order to collect information on the status, rights and responsibilities of journalists, with a view to suggesting ways of improving the status of journalists and information specialists and giving them the necessary protection for the exercise of their profession in the best possible conditions of accuracy and objectivity".

On the basis of this programme action, Unesco organized from 21-22 January 1980 a consultative meeting between representatives of the International Organization of Journalists and the International Federation of Journalists in order to consider further action to be taken for the protection of journalists. The aim of this consultation was, in the first place, to establish common denominators between the two organizations that, on a world basis, are the most representative of professional concerns. Views are exchanged in a very relaxed atmosphere and a document was adopted by the participants to serve as the basis for further study and more definite positions of the professional organizations concerned.

Document adopted by IFJ and IOJ (1)
(21-22 January 1980)

1. Under Unesco's Regular Programme for 1979-1980 (20 C/5), theme 4/9.3/03 concerning "responsibilities of the media and the status and protection of journalists", including the programme action entitled "improvement of professional standards and status and protection of journalists" (para. 4483), "case studies will be undertaken and consultation begun in co-operation with the professional organisations concerned, in order to collect information on the status, rights and responsibilities of journalists, with a view to suggesting ways of improving the status of journalists and information specialists and giving them the necessary protection for the exercise of their profession in the best possible conditions of accuracy and objectivity".

2. On the basis of this programme action Unesco commissioned, in 1979, two studies on the protection of journalists, one from the International Organization of Journalists (in collaboration with the International Association of Democratic Lawyers) and the other from the International Federation of Journalists (in collaboration with the International Commission of Jurists).

3. On 21-22 January 1980, Unesco organized a consultative meeting between representatives of the International Organization of Journalists and the International Federation of Journalists in order to examine the two documents submitted to Unesco and to consider further action to be taken under its auspices.

4. The consultation was carried out in a constructive atmosphere of professional co-operation with the representative of Unesco acting as technical chairman. After considering all the questions on the agenda, the following

(1) CC-80/WS/16

conclusions were proposed for further study and more definite positions of the professional organizations concerned :

- A. The definition of a journalist
- B. Protection of journalists on dangerous assignments
- C. Protection of journalists on assignments abroad
- D. Protection of journalists at home
- E. International instruments

A. The Definition of a Journalist

1. The need for specific criteria to ascertain who exactly may lay claim to the title of journalist is clearly greater in international relations than within domestic boundaries.

States cannot conceivably be expected to grant special protection to particular categories of persons for the useful services they render to the international community unless it is clearly established who the beneficiaries of the system of protection are, thus making it difficult to misuse that protection.

The liberal-minded idea of keeping the definition of a journalist vague and imprecise would paradoxically, run counter to its advocates' intentions, as States could easily decline to meet their obligations on the grounds that there is the permanent risk of abuse of privilege. However, the proposal that there should be a strict definition of the status of journalists, to be used in international relations by no means prejudices the chances of persons not covered by such a definition of doing occasional journalistic work, even if such work does not entitle them to specific protection under any international system.

2. "Journalist" means any person, irrespective of nationality, who is engaged in regular paid employment as an editor, reporter, photographer, cameraman or technician of the press, radio, television or filmed news services, exercising his or her profession in compliance with the ethical principles and customs laid down by the profession itself, such professional activity consisting of seeking, receiving or imparting information, opinions, ideas, studies or comments for daily or periodic publications, press agencies, radio or television broadcasting services or filmed news services.

3. In order to identify beyond doubt which journalists are entitled by virtue of their status as such to special internationally regulated protection, such persons should be in possession of a professional card or equivalent document issued by a national authority or by an international organization competent to do so.

4. In order to avoid discriminatory or arbitrary practices, it is essential that organizations of journalists should be directly involved in issuing such a document and that its declaratory character should be upheld. There are various possible alternatives as to which bodies should issue journalists' cards. They could be professional organizations of journalists, organs in which journalists and employers would be equally represented, or tripartite bodies comprising representatives of press users in addition to journalists and employers. On this point, it is highly desirable that the task of appointing user representatives should not fall to governments but should be carried out through a procedure ensuring objectivity, for example by magistrates appointed by the courts themselves or by persons appointed by parliamentary assemblies.

5. As an attempt to remove the risks of arbitrary decisions over the

issuing or withdrawal of professional cards or equivalent documents, there must be an effective jurisdictional appeal procedure open to any person who has been denied such a document or whose card has been withdrawn.

.B. Protection of journalists on dangerous assignments

1. It is regrettable that the General Assembly of the United Nations has as yet been unable to adopt the draft convention on "protection of journalists engaged in dangerous missions in areas of armed conflict" prepared by the Third Committee and first put to the vote at the General Assembly at its twenty-seventh session in December 1972.

While expressing the hope that a positive decision will be taken by the United Nations as soon as possible, the international organizations of journalists feel that by taking the initiative themselves, some headway could be made in solving this difficult problem pending a vote by the General Assembly and the implementation of a convention that may be drawn up.

2. Establishment of a commission for the protection of journalists : IFJ and IOJ would endorse the establishment of a commission whose aims would be, initially, to observe the conditions in which journalists accomplish dangerous missions in parts of the world which are the scene of internal or international armed conflict and, subsequently, to propose both to States and to international organizations such solutions as would ensure the necessary safeguards to journalists working under these conditions.

The commission might be composed of representatives of international journalists' organizations (IFJ and IOJ), regional journalists' organizations of jurists (International Commission of Jurists and International Association of Democratic Lawyers).

Consideration might be given to arranging for representatives of the media authorities and representatives of humanitarian organizations to take part in the commission.

Unesco's mission and its unceasing efforts to provide protection for journalists make it an ideal sponsor for the establishment of such a commission whose composition and functioning could be considered at the consultative meeting to be organized by Unesco in Mexico City in April 1980.

C. Protection of journalists abroad

1. There are various facets to the relations between journalists and the State, involving different levels of responsibility :

- (a) The task of laying down rules of deontology or professional ethics stipulating under what conditions journalists should exercise their profession in their countries or on a regional or world-wide basis, rests with the organizations of journalists and with them alone. Attention should be drawn here to the positive and like-minded action taken by IFJ and IOJ. It is highly desirable that the two organizations, which have special responsibility in the matter, should continue to study the question and examine it in greater depth, for instance by having regional journalists' organizations take part in their deliberations.
- (b) There can be no question in moving towards a system designed to guarantee normal working conditions for journalists working abroad of waiting until exhaustive international codes of deontology or professional ethics have been drawn up.

In this respect, it may not be going too far to speak, if not of a minimum set of standard rules which States should undertake to observe, at least of a number of principles which exist in international relations and should guide States in their attitude towards foreign journalists.

It would, however, be unrealistic to deny that there is a close connexion between the establishment of a satisfactory system guaranteeing States' respect for the normal exercise of the journalistic profession and the adoption by journalists of a set of deontological and ethical principles applicable to their profession. If these two factors develop along parallel lines, it can reasonably be expected that progress will be made towards international agreement. Constructive international instruments such as Unesco's Declaration on Fundamental Principles Concerning the Contribution of the Mass Media (...) or the Final Act of the Conference on Co-operation and Security in Europe are, unfortunately, all too few and far between.

The promotion and implementation of international instruments to ensure protection for journalists working away from home might be considered along the following lines :

- (a) The Commission for the protection of journalists, considered as a project for the protection of journalists on dangerous assignments might usefully extend its observation and proposal functions to include working conditions of journalists exercising their profession abroad.
- (b) Periodical international Conference : An international conference, held periodically and composed of representatives of international and regional professional journalists' organizations, international

organizations of media proprietors and States, might usefully work towards ensuring inquiry into the international problems arising from the protection of journalists.

In particular, the Conference should consider a report submitted by the Commission referred to in the foregoing paragraph on the position of journalists in foreign countries and give its opinion concerning measures to be taken to improve the situation.

This Conference, which was proposed by the International Commission for the Study of Communication Problems under the chairmanship of Mr. Sean MacBride, should be placed under the auspices of Unesco which would also be responsible for deciding upon the representation of States on the basis of its own structure.

- (c) World Press Institute : The establishment of a World Press Institute suggested by Mr. Mankekar, Former Chairman of the Co-ordination Committee of the Press Agencies Pool of Non-Aligned Countries, the principle of which was adopted at the Intergovernmental Conference on Communication Policies in Asia and Oceania held in Kuala Lumpur in February 1979, could well be a forum for further inquiry into the protection and training of journalists, with the provision that this Institute should not initially have any jurisdictional function whatever to perform with regard to States, employers and journalists other than in matters pertaining, in particular, to rules of deontology or the protection of journalists in general.

D. Protection of journalists in their own countries (1)

The protection of journalists in their own countries could also be considered along the lines suggested above.

- (a) The Commission for the protection of journalists referred to in the foregoing paragraphs should submit to the periodical international Conference a report on the position of journalists subjected to any forms of harrassment and intimidation in the exercise of their professional activities within their own countries.
- (b) Any professional organization or journalist could draw the attention of the Commission to encroachments on the exercise of their profession requiring protection.
- (c) To this end, consideration could be given to setting up a professional Committee to safeguard the fundamental rights of journalists.

E. International instruments (1)

It is only in the longer term, taking the deliberations of the authorities suggested above as a basis, that the framing of appropriate international instruments could be contemplated within the framework of either the United Nations or Unesco. It would be premature to give an opinion on the forms such instruments might take (recommendations,

(1) Time did not permit proper consideration of these items and here is only registered a list of ideas put forward during the consultation.

resolutions, conventions). (1)

4) Meeting of International and Regional Journalists' Organizations
(Mexico, 1-3 April 1980)

A meeting between international and regional journalists' organizations was held in Mexico City from 1-3 April 1980. Some thirty delegates and observers representing four professional journalists' organizations participated at the meeting : the International Organizations of Journalists (IOJ), the International Federation of Journalists (IJF), the Confederation of ASEAN Journalists (CAJ) and the Latin American Federation of Journalists (FELAP), which organized the meeting with the assistance of Unesco.

In fact this was the second meeting of professional organizations, as the first meeting was held at Unesco headquarters in April 1978. The agenda for the meeting included, amongst other items, the protection of journalists. The document on the protection of journalists adopted by the representatives of IOJ and IFJ at the consultative meeting organized by Unesco in January 1980 in Paris was submitted to the meeting. In light of this document and the report on the subject, numerous participants recommended that the following action be taken :

- Protection of journalists on dangerous missions. An effort should be made at the United Nations to determine the reasons why in 1973 matters came to a standstill with respect to the draft convention on "the protection of journalists engaged in dangerous missions in areas of armed conflict". Once these reasons have been discovered, the

(1) IFJ was represented at this meeting by Mr. Paul Parisot (President), Mr. Theo Bogaerts (Secretary-General) and Mr. Denis Perier-Daville ; IOJ was represented by Mr. Kaarle Nordenstreng (President), Mr. Gérard Gatinot (Vice-President) and Mr. Pierre Gaborit.

journalists' organizations will take measures to update the draft and will appeal to the United Nations through Member States for its revival.

- Protection of foreign correspondents and journalists in their own countries. The participants stressed the importance of protecting journalists in their own countries, especially in several Latin American countries where journalists are sometimes intimidated, tortured, arrested or harassed, and where they exercise their profession under various pressures.

The meeting acknowledge Unesco's work for the protection of journalists and decided to support the creation of an international professional Commission for the Protection of Journalists, whose task would be to examine the cases of journalists subject to harassment while legitimately exercising their profession. The meeting recommended that this commission be established under the auspices of Unesco and that it be made up of representatives of the international and regional journalists' organizations invited to the meeting in Mexico, as well as representatives of the International Commission of Jurists, the International Association of Democratic Lawyers, and the International Red Cross.

The participants requested that the first meeting of the Commission be held in December 1980 in Paris, just before the consultative meeting with non-governmental organizations, which will also be organized by Unesco.

The meeting also supported the proposal made by the International Commission for the Study of Communication Problems, that Unesco convene periodical Round Tables in order to examine the problems related to the protection of journalists.

Furthermore, several participants suggested that the international and regional journalists' organizations present the draft document on the protection of journalists to national member associations so that their comments are received at the end of a two-month period.

II

THE INTERNATIONAL COMMISSION FOR THE STUDY OF COMMUNICATION PROBLEMS AND THE PROTECTION OF JOURNALISTS

1) The Stockholm Seminar (24-27 April 1978)

One of the first decisions of the International Commission for the Study of Communication Problems, established by the Director-General of Unesco in December 1977, was to organize, in collaboration with the Swedish Government, an "international seminar on infrastructures of new collection and dissemination in the world". The question of the protection of journalists was discussed by working party III set up by the seminar. In its report, the working party made the following recommendations : ⁽¹⁾

"Several participants were of the opinion that the rights to information and the rights of journalists should be untrammelled. These rights should be improved and guaranteed in certain circumstances such as journalists reporting on dangerous missions, although there was no discussion of what constituted dangerous missions and whether there was a distinction between adventurism and so-called dangerous missions. There was further discussion on the rights of foreign journalists to the access of information and even to special protection in the pursuance of their duties, although the matter of achieving a convention in this matter was a long way off. Certain existing international agreements such as the Human Rights Convention and the juridical processes of the European Court of Human Rights in Strasbourg were regarded as models for the protection and even expansion of the rights of journalists.

Furthermore, several participants referred to the need for the better protection of journalists in the bona fide exercise of their profession. According to certain international conventions already accepted, it was suggested that the functions of journalists, using

(1) Infrastructures of News Collection and Dissemination in the World, International Seminar in Stockholm (24-27 April 1979) ; Document published by the International Commission for the Study of Communication Problems, N°19 (pp.24-25).

the models in some of these conventions, should be strengthened and amplified and extended to the rest of the world. It was decided to invite Unesco to request the International Association of Democratic Lawyers and the International Commission of Jurists to examine these problems in consultation with the recognized organizations of journalists, press institutes and appropriate trade unions. It is further requested that the results of the examinations suggested should be conveyed to the International Commission for the Study of Communication Problems for further action.

Such rights should also include the freedom of movement of journalists. It was stressed however that none of these rights should in any way impinge on the sovereignty of a State to make its own laws. A problem further highlighted dealt with the impossibility or difficulty of defining who a journalist was, since it would be necessary, in according these rights to journalists, to define the group of people who should be entitled to such rights. Were these rights comparable to those accorded to diplomats who not only need accreditation but are subject to the laws of the country? Should these rights be limited only to accredited journalists and foreign correspondents or even to visiting journalists?

While there was a strong tendency towards emphasizing the rights of journalists, there was an equally strong tendency pinpointing that journalists have a many faceted responsibility such as the responsibility to their newspapers, to their country, to their society, or to humanity, and indeed the responsibility of disseminating unbiased, accurate and fair reports. There was no truth in the suggestion that no standards of accurate reporting existed. It was the violation of accepted standards of journalism (according to some participants) which has necessitated this meeting. However, it was stressed that rights and responsibilities were interlocked or interconnected".

2) Consultations organized by the Commission.

In light of the results of the seminar in Stockholm, the International Commission for the Study of Communication Problems organized two

consultative meetings on the protection of journalists, first in February 1979 and then in May 1979.

A draft international instrument had been drawn up beforehand by Mr. MacBride, Chairman of the Commission, in collaboration with the International Association of Democratic Jurists and the International Commission of Jurists.

This draft international instrument was discussed in February 1979 at the first consultative meeting, which brought together representatives of the International Federation of Newspaper Publishers (IFNP), the International Federation of Journalists (IFJ), the International Organization of Journalists (IOJ), the International Press Institutes (IPI), and the International Institute of Communication (IIC). After numerous alterations made at the first meeting, the draft international instrument was the subject of a broader consultation involving the participation of representatives of some twenty professional organizations at Unesco Headquarters in May 1979.

The draft document submitted to this meeting consisted of a foreword and five chapters : a definition of the journalist, duties of the journalist, rights of the journalist, implementation measures, and revision (see Annex I).

The definition of the journalist contained in the preliminary text was considered by some participants to be too detailed and too restrictive. A broader definition that could include other categories of information personnel was thought to be more appropriate.

Some participants believed that the preliminary text went far beyond the scope of protection, as it also dealt with the question of the duties of journalists which ought not, in their view, be

included in the text. Conversely, others were of the opinion that the rights and duties of journalists could not be dissociated from each other, as protection could only be granted in accordance with specific duties. With this in mind, the question of ethical standards was also discussed. While some participants believed that such standards should also exist on an international, or at least regional, scale, others considered that the only acceptable standards are those laid down on a national basis by the profession itself and that the preliminary text, in their view, should therefore not make any difference to ethical rules.

Discussions also focussed on the protection of journalists on dangerous missions, on which a broad consensus of opinion was easily reached. Various participants emphasized other aspects, such as the protection of journalists not only against the power of the State, but also against financial pressures, and protection in the case of press concentrations, and against multinational corporations, and so forth.

There was also some discussion of the measures of implementation included in the preliminary text, viz. the creation of an annual Round Table to identify the problems concerning the protection of journalists and to propose appropriate measures to solve them ; in connexion with the latter point, the participants also studied a document presented by Mr. Mankekar, Chairman of the Coordination Committee of the Press Agencies' Pool of Non-Aligned Countries, on the creation of a World Press Institute. (See Annex II).

The conclusions that can be drawn from these consultations, as they were indicated by the Chairman at the end of the meeting, can be summarized as follows :⁽¹⁾

(1) See The Protection of Journalists, Document published by the International Commission for the Study of Communication Problems, n° 90, Introductory Annex, pp. 2-3.

a) All the participants acknowledge that the above-mentioned Unesco Declaration is fundamental and expresses the general wish of the international community that journalists be afforded protection in the exercise of their profession ; and they accept that the relevant provisions of this Declaration should provide the starting point for seeking such protection.

b) Another fundamental point accepted by all is the diversity of situations in which information systems operate and the pluralism of ideas and concepts existing in the world which must be accepted as another essential basis for any recommendations in the field under consideration.

c) The protection of journalists on dangerous missions in the exercise of their profession constitutes a need that the participants recognize generally, and would like to see instituted.

d) There is general agreement on the need to protect the journalist with respect to the preservation of his professional integrity.

e) Social and general responsibility of the journalist exists but is difficult to define and to apply in a way that is acceptable to all, in view of the pluralism of the concepts that prevails in this field. A certain consensus seems to exist that the media do indeed have a social responsibility and duties toward the public but the question remains as to whether or not this responsibility or these duties are linked to the rights of journalists and to their protection, the latter following from the former.

f) Although no agreement was reached as to the necessity of preparing an international code of ethics that would be voluntarily set up by the profession itself, such agreement was, on the contrary evident

with respect to the establishment, also voluntarily, of national codes of ethics. Thus, since the stage for establishing international standards has not yet been reached, the possibility of beginning by the drafting of voluntary regional codes was seen as a possible starting point.

g) There was a consensus on the necessity to protect investigative journalism and this was considered important.

h) There was another consensus with respect to the organization of other consultations, similar to those that are the subject of this report, and on the constitution of a Round Table, provided that it is not structurally institutionalized and does not comprise any government representation, that its creation be limited to an experimental period of five years, and that it should constitute nothing more than these consultations. As to the creation of a World Press Institute, this suggestion was not accepted by everyone and thus no consensus was evident on this subject.

In this connexion it should be stated that the Intergovernmental Conference on Communication Policies in Asia and Oceania, organized by Unesco in Kuala Lumpur in February 1979, was informed of this proposal and that the delegates asked Unesco to make a further, more detailed study of the question. (See Annex III).

3) Final Report of the Commission

In the light of discussions held first at Stockholm and subsequently at the consultative meetings in Paris, special attention has been devoted to the protection of journalists in the final report of the International Commission.

According to the final report, "Daily reports from around the

world attest to dangers that journalists are subject to in the exercise of their profession : harassment, threats, imprisonment, physical violence, assassination. Continual vigilance is required to focus the world's attention on such assaults to human rights".

Journalists, who are often embarrassing witnesses and hence become targets, face physical danger in times of conflict - in wars both declared and undeclared, in civil wars and even when covering public meetings and demonstrations which are suppressed by the forces of authority. The profession has good cause to remember the eight journalists who disappeared, and never reappeared, in Cambodia ; or the television reporter who was shot in cold blood by an officer of the so-called National Guard in Nicaragua. For 1977 Amnesty International recorded 104 correspondents imprisoned or missing in 25 countries. Information collated by the International Press Institute, covering a period of 15 months in 1976-78 yielded these figures : 24 journalists murdered, 57 journalists wounded, tortured or kidnapped, 13 newspapers subject to bomb attacks.

Correspondents working in foreign countries risk retaliatory measures if they offend repressive governments, with the additional disadvantage that they may not be supported by editors or proprietors anxious to maintain representation. Admittedly, the penalty incurred by the foreign correspondent is likely to be expulsion while the journalist working in his own country may have to reckon with imprisonment, torture or even a death sentence. But in times of disturbance, foreign correspondents have been maltreated and sometimes killed by military or para-military forces. There is also this important consideration : for a people living under a dictatorship, which has crushed the freedom of the national press and media, the last remaining hope is that truthful reports will reach the outside world and arouse international opinion.

In its Final Report, the International Commission for the Study of Communication Problems has proposed the following recommendation with regard to the protection of journalists :

"The professional independence and integrity of all those involved in the collection and dissemination of news, information and views to the public should be safeguarded. However, the Commission does not propose special privileges to protect journalists in the performance of their duties, although journalism is often a dangerous profession. Far from constituting a special category, journalists are citizens of their respective countries, entitled to the same range of human rights as other citizens. One exception is provided in the Additional Protocol to the Geneva Conventions of 12 August 1949, which applies only to journalists on perilous missions, such as in areas of armed conflict. To propose additional measures would invite the dangers entailed in a licensing system since it would require somebody to stipulate who should be entitled to claim such protection. Journalists will be fully protected only when everyone's human rights are guaranteed.

Unesco should convene a series of Round Tables at which journalists, media executives, researchers and jurists can periodically review problems related to the protection of journalists and propose additional appropriate measures to this end".

III

FIRST PROPOSALS BY PROFESSIONAL ORGANIZATIONS

1) International Federation of Editors-in-Chief and International Commission of Jurists (1957-68)

The protection of journalists on dangerous missions was one of the concerns of the International Federation of Editors-in-Chief, which had discussed this subject at its Congress in Lisbon in 1957.

The Federation undertook an in-depth investigation of this question. In one of the conclusions of this study it was emphasized that, as far as legislation is concerned, practical results could only be achieved by referring this problem to leading international authorities.

The Federation therefore submitted this matter to the International Commission of Jurists of Geneva, whose Secretary-General, Mr. MacBride, former Minister of Foreign Affairs of Ireland, agreed to conduct an inquiry. The commission worked with determination and utmost impartiality in drawing up a first draft text.

This draft was thoroughly examined at a seminar held in Geneva in early 1968. Various amendments were made by the editors-in-chief or the chief correspondents who participated in the meeting. This seminar also allowed the delegates to make numerous contacts, in particular with the authorities from the International Red Cross, thus enabling them to have a clearer view of the direction that should be followed in order to obtain efficient results.

The Congress of Montecatini (April 1968) fostered wide-ranging discussions on this question, in the presence of representatives from the International Commission of Jurists of Geneva, and a new text, which had been improved upon in several respects, was adopted. This text was then submitted to the Congress of Monaco (September 1969), to the authorized representatives of the International Press Institute of Zurich, to the International Federation of Newspaper Publishers (IFNP) and to the International Federation of Journalists of Brussels, all of whom gave a favourable opinion.

The preliminary draft is given below.

Preliminary Draft Convention for the Protection of Journalists
on dangerous missions

(Adopted unanimously at the Congress of the International Federation of Editors-in-Chief, Montecatini, May 1968).

Whereas Article 19 of the Universal Declaration of Human Rights, as well as Article 19 of the International Covenant on Civil and Political Rights stipulate that the right to freedom of opinion and expression "includes the right.....to seek, receive and impart information and ideas through any media and regardless of frontiers" ;

Whereas the Press, in fulfilling its function of imparting information, plays a vital role both on the national and international levels ;

Whereas the search for information intended for the Press implies that journalists may be placed in dangerous situations ;

Whereas in order for the Press to fulfill its function of

informing world public opinion, journalists must continue to cover situations which are potentially dangerous for them, and, by virtue of this fact, they should be afforded adequate protection;

Whereas Article 4 of the Geneva Convention of 12 August 1949 relative to the Treatment of Prisoners of War also applies to war correspondents taken prisoner by the enemy and stipulates that they should always be given human treatment ;

Whereas Article 13 of the Geneva Convention of 12 August 1949 for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field and Article 13 of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea applies, in like manner, to war correspondents and stipulates that they should be treated with respect and given protection under all circumstances ;

Whereas, in today's world, the so-called Convention no longer correspond to the actual conditions in which the profession of journalism is exercised and it being widely recognized that they are insufficient in ensuring adequate protection to journalists in all circumstances where the exercise of their profession may place them in danger ;

Chapter 1 - General Provisions

1. The Parties undertake to respect this Convention in all circumstances.
2. This Convention shall apply to all journalists engaged in dangerous missions.
3. "Journalist" means all correspondents, reporters, photographers, cameramen or technicians of the Press who have been duly accredited,

in accordance with the provisions of this Convention.

4. "Press" means all of the following information media : news agencies, newspapers and periodicals, radio, television, and filmed news services.
5. "Dangerous mission" covers any mission undertaken by a journalist for the purpose of collecting information and for which there exists or may arise a danger for his life, physical integrity or freedom. This definition of a dangerous mission applies inter alia to cases where a journalist is covering situations of declared or undeclared war, civil war, guerilla operations, riots or demonstrations.

Chapter 2 - International Protection

6. The Parties undertake to acknowledge the jurisdiction and authority of an International Committee for the Protection of Journalists on Dangerous Missions, which will be specially created in order to give effect to this Convention.

This International Committee will be an independent body made up of Press organizations (a list of which will be annexed to the final text) and placed under the patronage of the United Nations. It will be composed of 5 to 7 members chosen by the Secretary-General of the United Nations from a list submitted by the aforementioned Press organizations. The choice of the Secretary-General of the United Nations should be guided by the concern that the International Committee have the greatest possible equitable geographic distribution and that its members are renowned for their high professional standing.

7. The International Committee shall issue to all journalists who have been registered with the Committee by the newspapers or publications at which they are employed a duly authenticated official card certifying the status of the holder. It shall bear his photograph and state his name , age, nationality, occupation, and the name of the newspaper which requested his registration.

7bis. The Committee will also be entitled to register independent journalists who address an application to the Committee, and who present a justification that is judged to be satisfactory proof of their professional qualifications. In such cases, the card issued shall bear the name of the newspaper which requested the registration or, as necessary, an indication of the bearer's status as an independent journalist.

8. When a journalist is sent on a mission that is dangerous or potentially dangerous, the newspaper sending him on this mission, or in the case of an independent journalist, the journalist himself, shall immediately inform the International Committee, which shall keep a register of all such missions.

9. In carrying out a mission thus declared to be dangerous or potentially dangerous, the journalist should always carry with him his special card issued by the Committee and present it whenever requested to do so by the authorities concerned. If the journalist is in a situation where his life is actually in danger, he should wear an easily recognizable distinguishing emblem, which shall be designed by the International Committee.

10. When there is reason to fear that a journalist on a dangerous mission is in a difficult situation, the International Committee, either

upon request or on its own initiative, shall immediately intercede and approach the de facto authorities, taking any measures deemed necessary in order to assure that this Convention is respected.

Chapter 3 - Statutory Guarantees

11. Under no circumstances may the journalist be arrested, detained, imprisoned or judged by any authorities whatsoever for bona fide activities undertaken solely in connexion with carrying out his professional mission as a journalist. In case of arrest, the journalist should be released as soon as possible, and he should be given every opportunity to return to the country of his choice.
12. In carrying out his mission, the journalist should never be deliberately attacked, molested or harassed. Generally speaking, his status as a journalist should always be respected by everyone with whom he comes in contact.

Chapter 4 - Enforcement of the Convention

13. The Parties undertake to adopt any legislative or regulatory measures which shall prove to be necessary for establishing penalties which should be applied to persons having acted or given orders to act in violation of this Convention.
14. The Parties undertake to adopt any legislative or regulatory measures which shall prove to be necessary in order for those concerned to have effective recourse in civil matters so that the journalist or his beneficiaries may receive adequate compensation

in case of injury, loss of life or loss of freedom resulting from a violation of this Convention.

This right of recourse should be exercised against those persons having acted or given orders to act in violation of this Convention and, if necessary, against the authorities responsible for these persons.

Chapter 5 - Final Provisions

15. This Convention is open for signature by all States Members of the United Nations or members of a specialized agency, by all States parties to the Statute of the International Court of Justice, and by any other State which has been invited by the United Nations General Assembly to become a party to this Convention.

This Convention shall be subject to ratifications and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

16. This Convention shall be open to accession by the States referred to in paragraph 1 of Article 15.
- Accession shall take place by depositing an instrument of accession with the Secretary-General of the United Nations.

This Convention shall enter into force on the thirtieth day after the date of deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or accession.

17. A State Party may denounce this Convention by notification to the Secretary-General of the United Nations.

Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

18. Any dispute between two or more States parties with respect to the interpretation or application of this Convention which is not settled by negotiations or by means of procedures explicitly provided for in this Convention shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the parties to the dispute agree to another mode of settlement.

19. Any State Party may at any time, by written notification to the Secretary-General, request that this Convention be revised.

The General Assembly shall, if the case arises, decide upon the measures to be taken concerning this request.

20. The Secretary-General of the United Nations shall inform all States referred to in paragraph 1 of Article 15 of the following particulars :

- a) Signatures of this Convention and the instruments of ratification and accession under Articles 15 and 16.
- b) The date of entry into force of this Convention under Article 17.
- c) Communications and declarations received under Articles 18 and 20.

21. The text of this Convention, of which the English, Spanish, French and Russian texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

The Secretary-General of the United Nations shall send a certified true copy of this Convention to all States belonging to any of the categories mentioned in paragraph 1 of Article 13 of the Convention.

2) Project for an International Committee for the Safety of Journalists on Dangerous Missions (September 1970)

The tragic disappearance of seventeen foreign correspondents in Cambodia, in May 1970, focussed attention on the need for the immediate creation of an instrument for the safety of journalists on dangerous missions. The International Press Institute invited the representatives of five professional organizations and two organizations of jurists to a first meeting on 11 September 1970, and to a second meeting on 30 September 1970, at the "Maison de l'Amérique Latine" in Paris, in order to study the measures that should be taken for the protection of journalists.⁽¹⁾

An International Professional Committee for the Safety of Journalists was created at the end of these meetings.

This Committee, with headquarters at the "Palais des Nations" in

(1) The following organizations participated in these meetings : the International Federation of Journalists (Théo Bogaerts) ; The International Organization of Journalists (Jean-Marie Hermann) ; the International Federation of Newspaper Publishers (Claude Bellanger and Michel L. de Saint-Pierre) ; the International Federation of Editors-in-Chief (Henri Sacquet, Maurice Gouineau, Robert Vaucher, Pierre Favier) ; the International Press Institute (Ernest Meyer, Michel Soulié, Pierre M. Dessinges) ; the International Commission of Jurists (Sean MacBride) ; the International Association of Democratic Lawyers (Joël Nordmann and Mrs. Bouvier-Ajam) ; Unesco (G. Naesselund and Hifzi Topuz) ; the Council of Europe ; the International Institute of Human Rights ; the European Broadcasting Union ; the ORTF ("Office de la radio-diffusion et télévision françaises" - the former French National Broadcasting System) ; the Ministry of Foreign Affairs ; the International Communication Development Council.

Geneva, had a flexible juridical status and each of the organizations was represented by one delegate and his deputy, both of which were to be kept informed of all deliberations.

Professor Urs Schwarz (Zurich), former President of the International Press Institute was named Secretary-General of the Committee. The chairmanship of the meetings circulated among the representatives of each of the organizations belonging to the Committee. The Secretary-General, in close and continuous collaboration with the delegates and deputies of the professional organizations, was responsible for the operations of the Committee.

The immediate aims of the Committee were as follows :

1. Establishing and issuing a "safety card for journalists on dangerous missions". It is clearly understood that journalist means accredited correspondents, freelance correspondents, photographers and cameramen of the written press, the news agencies, radio and TV systems and the newsreels.

This safety card is issued for a limited duration, and in the immediate future only for South-East Asia. It should use the following languages : English, French, Vietnamese, Cambodian and Thai. The card must have a photo and give the name and first name of the bearer, the name of the organization for which he is working (or for a freelance correspondent, information justifying his status) ; it should be printed in unalterable form and of a solid material, and the distinctive emblem or initials should figure on each section.

In view of the need to expedite responses to requests for safety cards, the qualifications of the correspondent should be verified beforehand. For this purpose, a centralized file should be compiled at the Committee headquarters. Each of the member organizations will

forward, as soon as possible, a list of journalists who are usually sent out or likely to be sent out on such missions.

If the need should arise, this verification may be completed by making inquiries with the journalist's employer and/or professional organizations.

The application for the card should include two identity photos and a declaration of honour that the holder will only use the card in the exercise of his professional mission, that he will not participate in any form whatsoever in the hostilities, and will neither bear arms nor wear a uniform.

The Committee reserves the right to refuse the issue of a safety card without giving reasons. However, withdrawal of the card as a sanction for abuse should be justified and made public.

The Safety Committee shall use all possible means of information in communicating with the various de jure and de facto authorities, in the first place by requesting that they recognize the validity of this card, and subsequently by sending them copies and duplicates and asking them to circulate these to all other authorities the bearer may have to encounter.

Furthermore, the Committee will inform the Ministries of Foreign Affairs and all other responsible national and international authorities in different countries of its activities. At the same time, the Committee will inform the professional organizations both in the country of origin and the country of destination of the departure of a journalist on such a mission.

2. The Safety Committee will take measures for the seventeen journalists who disappeared in Cambodia, and whose welfare is still unknown.

3. The Committee will study the possibilities of widening its scope of action to include other regions, and of ensuring that progress is made on the proposals for an international status of foreign correspondants.

THE U.N. AND THE PROTECTION OF JOURNALISTS

- 1) Resolution adopted by the General Assembly of the United Nations on the Protection of Journalists (December 1970)

The United Nations adopted, on 9 December 1970, at the twenty-fifth session of the General Assembly, a resolution on the protection of journalists engaged in dangerous missions in areas of armed conflict. The text of this resolution is reproduced below :

2673 (XXV) - Protection of journalists engaged in dangerous missions in areas of armed conflict

The General Assembly,

Recalling its resolution 2444 (XXIII) of 19 December 1968, in which it invited the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international organizations, to study :

a) Steps which could be taken to secure the better application of existing humanitarian international conventions and rules in all armed conflicts,

b) The need for additional humanitarian international conventions or for other appropriate legal instruments to ensure the better protection of civilians, prisoners and combatants in all armed conflicts,

Recalling also the fundamental principle that a distinction must be made at all times between combatants and persons not taking part in the hostilities,

Considering that it is essential for the United Nations to obtain complete information concerning armed conflicts and that journalists,

whatever their nationality, have an important role to play in that regard,

Noting with regret that journalists engaged in missions in areas where an armed conflict is taking place sometimes suffer as a result of their professional duty, which is to inform world public opinion objectively,

Bearing in mind the appeal made by the Secretary-General on 30 September 1970 on behalf of missing journalists,

Recognizing that certain types of protection can be granted to journalists under :

a) Article 4 of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949,

b) Article 13 of the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949,

c) Article 13 of the Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949,

d) Article 4 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,

Being aware, however, that these provisions do not cover some categories of journalists engaged in dangerous missions and do not correspond to their present needs,

Convinced of the need for an additional humanitarian international instrument to ensure the better protection of journalists engaged in dangerous missions, particularly in areas where an armed conflict is taking place,

1. Expresses its grave concern about the fate of press correspondents carrying out dangerous missions ;

2. Expresses its deepest regret that some of those correspondents have paid with their lives for their conscientious approach to their missions ;

3. Invites all States and all authorities parties to an armed conflict to respect and apply in all circumstances the provisions of the Geneva Conventions of 12 August 1949 in so far as they are applicable, in particular, to war correspondents who accompany armed forces but are not actually a part of them ;

4. Invites the Economic and Social Council to request the Commission on Human Rights to consider at its next session the possibility of preparing a draft international agreement ensuring the protection of journalists engaged in dangerous missions and providing, inter alia, for the creation of a universally recognized and guaranteed identification document ;

5. Invites the Commission on Human Rights to consider this question as a matter of priority at its twenty-seventh session in order that a draft international agreement may be adopted as soon as possible by the General Assembly or by some other appropriate international body ;

6. Requests the Secretary-General, in consultation with the International Committee of the Red Cross and other appropriate international

organizations, to submit a report on this question to the General Assembly at its twenty-sixth session ;

7. Decides to give the highest priority to the consideration of this question at its twenty-sixth session.

(1922nd plenary session,
9 December 1970)

2) Creation of a Committee for the Safety of Journalists (March 1971)

Following the meetings in Paris in September 1970, the professional organizations continued their efforts to create a Committee for the Safety of Journalists. With this in mind, a preliminary draft international convention for the safety of journalists was submitted to the Human Rights Commission of the United Nations.

This preliminary draft international convention was approved by the Human Rights Commission of the U.N. at its meeting in Geneva in March 1971. The Commission unanimously adopted a procedural resolution recommending the Economic and Social Council (ECOSOC) of the United Nations to forward this preliminary text to the next session of the General Assembly of the U.N., "as a worthwhile basis for discussions on this subject".

The complexity of this procedure is clear illustration of the need for the present creation of a "Safety Committee", the aim of which is to be an immediate, practical and universal instrument of action.

For instance, the actual "Safety Card" has just come off the presses and a Safety Committee delegate is about to leave for South-East Asia, in order to explain to all the parties involved the Committee's aims and

the conditions for issuing the card, as described in the following two sets of regulations :

Internal Regulations of the Safety Committee

Art. 1 : Composition

The International Professional Committee for the Safety of Journalists on Dangerous Missions (here called the Safety Committee) has been created as an operational instrument of the following organizations :

- International Federation of Newspaper Publishers (IFNP)
- International Federation of Journalists (IFJ)
- International Federation of Editors-in-Chief (FIREC)
- International Press Institute (IPI)
- International Organization of Journalists (IOJ)

Art. 2 : Associated Members

The International Association of Democratic Lawyers and the International Commission of Jurists shall assist the Safety Committee as legal advisers.

The Safety Committee may in case of need consult other organizations or individuals.

Art. 3 : Affiliation

Other professional international, regional or national organizations of the written press or broadcasting and TV systems may join the Safety Committee on the unanimous decision of the founder organizations.

Art. 4 : Objectives

The object of the Safety Committee shall be to do all within its power to reduce the risks facing journalists on dangerous missions by,

wherever possible, establishing their bona fides with all the parties with whom they are likely to come into contact.

Art. 5 : Methods of Operation

As a means of establishing the objectives outlined in Article 4, the Safety Committee shall issue a "Safety Card" under conditions that have been set out in special regulations.

Such cards will be issued on condition that they are recognised by all the Authorities concerned. The Safety Committee undertakes to do all within its power to ensure such recognition.

The Safety Committee shall compile and maintain permanent files on correspondents who are liable to work in parts of the world for which the card is intended.

The Safety Committee shall give a list of bearers of the card to all de jure and de facto authorities concerned.

The Safety Committee shall intervene in all cases where the safety of journalists operating in those areas covered by the card is involved.

Art. 6 : Headquarters

The headquarters of the International Professional Committee for the Safety of Journalists on Dangerous Missions is :

Swiss Press Association

P.O.B. 2471

CH-3001 Bern - Tel. 22.61.31

Art. 7 : Delegates

Each organization forming part of the Safety Committee is represented

by one delegate and his deputy, who will be kept informed of all deliberations.

Each organization has one vote.

Art. 8 : Decisions

Decisions of the Safety Committee must be unanimous.

In case of consultation by correspondence, non-response after fifteen days shall be considered as approving.

Art. 9 : Chairmanship

The chairmanship of the meetings of the Safety Committee will circulate among the members of the Committee in alphabetical order according to the name of the member organization in French.

Art. 10 : General Secretary

The Safety Committee shall be administrated in the name of the participating organizations by a General Secretary unanimously elected for one year and eligible for re-election.

Art. 11 : Financing

The finances of the Safety Committee are constituted by contributions of all the participating organizations, the fees for the services rendered by the Safety Committee, grants and the bank interests of any capital.

Regulations for the Issue of the Safety Card

Art. 1 : Object of the card

The safety card for journalists on dangerous missions is issued

to journalists on missions in specific areas. It can include an emblem, intended to be worn in such a way that it is clearly visible.

Art. 2 : Journalists

Journalists on dangerous missions means accredited correspondents, freelance correspondents, photographers, cameramen of the written press, the news agencies, radio and TV systems and the newsreels.

Art. 3 : Duration and geographical limits

The safety card is issued for a limited duration. In the first instance it is established for South-East Asia. It uses the following languages : English, French, Vietnamese, Cambodian, Thai, and Korean.

Art. 4 : Characteristics

The safety card shall include the name and first name (and if applicable, the pseudonym) of the bearer as well as his photo, and shall give his identity and a description of the organization for which he is working. It shall be numbered and non-transferable.

Art. 5 : File

The safety card shall be issued upon application which must contain :

1. Two identity photos of the applicant,
2. A declaration of honour that the holder undertakes to engage in no other activity than the gathering of information intended for publication
3. A short professional curriculum vitae (in particular, mentioning previous missions in the region),
4. A certificate from the organization or organizations for which he will be working in the area,
5. A certificate from the professional organizations of his country or the place of his usual residence, certifying him to be a journalist, or

a photostat of his professional identity card in countries where the issues of such a card is obligatory under law.

Art. 6 : Conditions of Issue

A safety card is issued after payment of the appropriate fees. On the expiry date it must be returned to the Safety Committee. It may be prolonged if the mission has not been completed at the end of the period of validity.

Art. 7 : Refusal of issue

The Safety Committee reserves the right to refuse the issue of a card without giving reasons.

Art. 8 : Sanctions

In case of abuse the Committee can apply the following sanctions :

- notification to holder,
- notification to authorities,
- withdrawal of the card,
- communication of the reasons of withdrawal to the bearer's employer and/or professional organizations.

3) Draft International Convention submitted to the U.N. General Assembly (August 1975)

After the resolution on the safety of journalists was adopted by the General Assembly, in December 1970, the U.N. continued its efforts to draw up an international instrument for the protection of journalists on dangerous missions. Numerous activities were undertaken by Member States in support of such an instrument, and many draft amendments altering the preliminary draft then under consideration were submitted to the U.N.

At its 2107th plenary session, on 12 December 1972, the General Assembly

decided to include the question entitled "Human Rights in Armed Conflicts : Protection of Journalists Engaged in Dangerous Missions in Areas of Armed Conflict" in the provisional agenda for its twenty-eighth session and to examine this question as a matter of high priority.

The General Assembly expressed the opinion, in November 1973, that it would be desirable to adopt a Convention on this question and requested the advice of the Diplomatic Conference. The question was examined at the twenty-ninth and thirtieth sessions.

The note by the Secretary-General of the United Nations on the submission of this question to the General Assembly at its thirtieth session in 1975 is given below. ⁽¹⁾

Note by the Secretary-General

1. The question of the protection of journalists engaged in dangerous missions in areas of armed conflict has been examined by the General Assembly since its twenty-fifth session in 1970. ⁽²⁾ At its twenty-eighth session, the General Assembly had before it the revised draft articles -including final clauses - of an International Convention for the Protection of Journalists Engaged in Dangerous Missions in Areas of Armed Conflict proposed by Australia, Austria, Denmark, Ecuador, Finland, France, Iran, Lebanon, Morocco and Turkey at the twenty-seventh session of the General Assembly, as well as amendments to the draft articles submitted by Hungary, by India and Spain, by the Union of Soviet Socialist Republics and by the United Kingdom

(1) Thirtieth session, Item 71 of the Provisional Agenda, A/10147, 1 August 1975.

(2) For background information, see A/9073 and A/9643.

of Great Britain and Northern Ireland. ⁽¹⁾ In the course of the debate in the Third Committee, one oral amendment was accepted by the sponsors of the draft convention and some amendments were withdrawn. ⁽²⁾ In resolution 3058 (XXVIII), adopted on 2 November 1973, the General Assembly expressed the opinion that it would be desirable to adopt a convention ensuring the protection of journalists engaged in dangerous missions in areas of armed conflict. The Assembly requested the Secretary-General to transmit to the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts the draft articles and amendments together with the observations and suggestions made during the twenty-eighth session of the General Assembly, and to invite the Diplomatic Conference to submit its comments and advice on the above-mentioned texts. The Assembly further decided to continue the examination of this question at its twenty-ninth session, as a matter of priority, having regard to the deliberations and findings of the Diplomatic Conference. These documents were duly transmitted to the Secretary-General of the Diplomatic Conference.

2. The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts, which held its first session at Geneva from 20 February to 29 March 1974, was unable to examine the question at that session, and decided to include it, as a matter of priority, in the agenda for its second session in 1975.

3. At the twenty-ninth session of the General Assembly, the Third Committee had before it a note by the Secretary-General containing

(1) See A/9073, annexes I and II.

(2) See A/9643, paras. 3 and 4.

background information on the item (A/9643). The revised draft articles submitted during the twenty-seventh session, as revised during the twenty-eighth session, were reproduced in annex I to the note. The remaining amendments thereto were reproduced in annex II. The Third Committee considered the item at its 2090th and 2091st meetings on 14 and 15 November 1974. On 29 November 1974, the General Assembly adopted resolution 3245 (XXIX), entitled "Human rights in armed conflicts : protection of journalists engaged in dangerous missions in areas of armed conflict", in which it expressed the wish that the Diplomatic Conference on the Reaffirmation and Development of Humanitarian Law Applicable in Armed Conflict should submit its observations and suggestions on the question to the General Assembly at its thirtieth session, and decided to continue the examination of this question as a matter of priority at its thirtieth session, having regard to the deliberations and findings of the Diplomatic Conference.

4. By a letter dated 6 January 1975, the Secretary-General transmitted the text of resolution 3245 (XXIX) to the Secretary-General of the Diplomatic Conference. In a reply dated 21 April 1975, the Secretary-General of the Diplomatic Conference stated that the Conference had carefully studied the question. A Working Group of Committee I had prepared a new draft article to be inserted after article 69 of Draft Additional Protocol I to the Geneva Conventions (1949). The Working Group had also prepared an identity card for journalists engaged in dangerous missions. These proposals of the Working Group were adopted by Committee I. The Conference, in plenary, adopted a resolution in which it noted the results achieved on this question during its second session and requested the Secretary-General of the Conference to transmit the results to the Secretary-General of the United Nations, and to inform him of the intention of the Diplomatic Conference to complete its work on the subject during its next session.

5. For the convenience of the General Assembly, the revised Draft Articles, submitted during the twenty-seventh session, as revised during the twenty-eighth session, are reproduced in annex I of the present document. The remaining amendments thereto are reproduced in annex II. The resolution on journalists engaged in dangerous missions, adopted by the Diplomatic Conference on the Reaffirmation and Development of Humanitarian Law Applicable in Armed Conflict at its second session, is reproduced in annex III. The proposed new article for inclusion in Draft Additional Protocol I to the Geneva Conventions (1949), adopted by Committee I of the Diplomatic Conference, is reproduced in annex IV.

ANNEX I

Draft International Convention

(Draft articles proposed by Australia, Austria, Denmark, Ecuador, Finland, France, Iran, Lebanon, Morocco and Turkey at the twenty-seventh session of the General Assembly as amended during the twenty-eighth session)

ARTICLE 1

The provisions of this Convention shall extend to journalists who hold the card provided for in article 4 below and subsequent articles while engaged in dangerous professional missions in areas where armed conflicts are taking place. This Convention shall not affect the sovereignty of States. Consequently, States shall apply national laws with respect to the crossing of frontiers or the movement or residence of aliens.

ARTICLE 2

For the purposes of the application of this Convention :

(a) The word "journalist" shall mean any correspondent, reporter, photographer, and their technical film, radio and television assistants who are ordinarily engaged in any of these activities as their principal occupation and who, in countries where such activities are assigned their particular status by virtue of laws, regulations or, in default thereof, recognized practices, have that status (by virtue of the said laws, regulations or practices) ;

(b) The term "armed conflict" shall apply to any armed conflict, whether or not international, to which the provisions of the Geneva Convention of 12 August 1949 relate ;

(c) The words "dangerous professional missions" shall cover any professional activity exercised by a journalist carried out in an area where there is armed conflict for the purpose of collecting information, photographs, films, sound recordings or any other material and disseminating them through media of public information.

ARTICLE 3

1. There shall be established an International Professional Committee composed of nine members, renowned for their high professional standing and their impartiality, appointed by the Secretary-General of the United Nations in consultation with the Chairman of the Commission on Human Rights, with due regard for the principle of equitable geographical distribution and with the establishment of an equitable balance among the various information media. The Secretary-General shall be represented in that Committee.

2. The International Committee of the Red Cross shall be invited to participate in the work of the Committee as an observer.
3. The members of the Committee shall be appointed for four years. However, the term of five of its members, from among the initial appointees, shall end on the completion of two years. Immediately after the initial appointment, the names of these five members shall be drawn by lot by the Chairman of the Committee.
4. To fill any vacancy that may occur, the Secretary-General shall appoint another journalist in accordance with the provisions of paragraph 1 of the present article.

ARTICLE 4

1. The International Professional Committee shall adopt its own rules of procedure.
2. The Committee shall make regulations prescribing the conditions for the issue, renewal and withdrawal of a card, as well as its form and contents.
3. The Committee shall inform all States parties to the Convention of the form, contents and conditions for the issue and withdrawal of the card and an exact description of the distinguishing emblem or emblems provided for in article 9.
4. The Committee shall submit an annual report of its activities to the General Assembly through the Secretary-General.
5. The expenses relating to the activity of the Committee shall be borne by the States parties to this Convention.

6. The Committee shall normally hold its meetings in

ARTICLE 5

1. The card shall certify the status of the journalist and shall indicate the occupation that gives him the right to that status within the meaning of article 2(a) above. It shall also state his name, nationality, date and place of birth, blood group, habitual residence, the name and address of the organization employing him and of the person to be notified in case of accident ; it shall bear his photograph, his signature and the distinguishing emblem or emblems provided for in article 9.
2. On the back of the card there shall be printed the following statement :
"The bearer of this card undertakes to conduct himself while on the mission in a manner consistent with the highest standards of journalistic integrity and not to interfere in the domestic affairs of the receiving State or engage in any political or military activities or in any activities which might involve direct or indirect participation in the conduct of hostilities in the areas where the dangerous mission is being undertaken."
3. The card shall be of different colours depending on whether the journalist belongs to the printed press or the technical press.
4. The card shall be issued for the execution of a dangerous professional mission in any area in which there is an armed conflict and shall be valid for a period of 12 months from the date of issue. It may be renewed on the same terms provided that its holder retains the status of a journalist.
5. This card may be withdrawn before the expiry of its validity if its holder ceases to be a journalist as defined in article 2 (a) of this Convention.

6. The authorities responsible for the issue of the card shall communicate without delay to the International Professional Committee the names and all other relevant personal data of journalists to whom cards have been issued. In the case of withdrawal of a card from a journalist, such withdrawal shall also be communicated immediately to the International Professional Committee.

7. The International Professional Committee shall establish and maintain an up-to-date register of journalists who hold cards.

ARTICLE 6

1. The competent authorities of the States parties to this Convention shall be responsible for the issue, authentication, renewal and, where necessary, withdrawal of the card on the terms prescribed in article 4.

2. The card may be issued only to a journalist who is a national of the State party to this Convention that issued the card or who is under its jurisdiction (or who has his permanent residence in it).

ARTICLE 7

1. The States parties to this Convention and, as far as possible, all parties to an armed conflict in the territory of a State party to the Convention shall recognize a duly authenticated and current card and the distinguishing emblem or emblems provided for in article 9, and they shall give effect to them as required by this Convention.

2. States parties to this Convention shall give wide circulation to the model of the card and to the distinguishing emblem or emblems provided for in Article 9.

ARTICLE 8

1. A journalist shall carry the card of which he is the holder and shall produce it when necessary to secure the protection of this Convention.

2. A journalist who holds a card shall wear the distinguishing emblem or emblems described in article 9.

ARTICLE 9

1. There shall be a distinguishing emblem, which shall consist of the letter P in black on a gold circular background and it shall be delivered at the time of issue by the authorities of the State responsible for issuing the card. The emblem shall be displayed on the left upper arm in such a way that it shall be clearly visible at a distance.

2. Journalists shall, as necessary, also wear the recognized distinguishing emblem in the area of conflict.

ARTICLE 10

1. The States parties to this Convention and, as far as possible, all the parties to an armed conflict in the territory of a State party to the Convention shall to the maximum extent feasible extend protection to journalists wearing the distinguishing emblem or emblems or producing the card and, in particular, shall :

- (a) Extend to journalists reasonable protection from the inherent dangers of the conflict ;
- (b) Warn the journalists to keep out of dangerous areas ;
- (c) Grant, in case of internment, treatment identical to that

provided for in articles 79 to 135 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 ;

- (d) Ensure that, if a journalist who holds a card is killed or injured, falls seriously ill, is reported missing or is arrested or imprisoned, the information concerning the said journalist is communicated forthwith to the State party that issued the card, to the organization mentioned on the card and to his next of kin, or ensure that the said information is made public. This information may be communicated through all appropriate media, in the quickest and most effective manner and, preferably, through the International Committee of the Red Cross or the Secretary-General of the United Nations, in order that the International Professional Committee may be informed without delay.

2. When undertaking dangerous professional missions in an area where there is a conflict within the meaning of article 2 (b) above, journalists have the right to protection from an immediate danger resulting from hostilities only to the extent that they shall not expose themselves to danger without needing to do so for professional reasons.

ARTICLE 11

Each State party to this Convention undertakes to comply with and to ensure compliance with this Convention in all circumstances.

ARTICLE 12

The application of this Convention shall have no legal effect on the status of the parties to the conflict.

ARTICLE 13

1. Possession of a card shall not confer on a journalist any right or privilege save and except as prescribed by this Convention.
2. Each State party has the right to grant or deny requests for access to specified danger-points on the same terms as apply to its own journalists.

ARTICLE 14

None of the provisions of this Convention shall affect the provisions of the Geneva Convention of 12 August 1949.

ARTICLE 15

Signature, ratification and accession

1. This Convention shall be open, until inclusive, at United Nations Headquarters, New York for signature by all States Members of the United Nations or members of a specialized agency or the International Atomic Energy Agency, by all States parties to the Statute of the International Court of Justice and by any other State which has been invited by the General Assembly of the United Nations to become a party to the Convention.
2. This Convention shall be subject to ratification by the States which have signed it.
3. This Convention shall be open to accession by the States referred to in paragraph 1 of this article.
4. Instruments of ratification and of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 16

Entry into force

1. This Convention shall enter into force on the day after the date of deposit with the Secretary-General of the United Nations of the thirtieth instrument of ratification or instrument of accession.
2. For each State ratifying or acceding to the Convention after the deposit of the thirtieth instrument of ratification or instrument of accession, this Convention shall enter into force 30 days after the date of the deposit of its own instrument of ratification or instrument of accession.

ARTICLE 17

Settlement of disputes

1. Any dispute between two or more States parties with respect to the interpretation or application of the Convention which is not settled by negotiation shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.
2. Any State may, when it signs or ratifies this Convention or accedes thereto, declare that it does not consider itself bound by the provisions of the preceding paragraph concerning recourse to the International Court of Justice.
3. Any Contracting State which has made such a declaration may at any time withdraw it by means of a notification addressed to the depositary.

ARTICLE 18

Denunciation

A State party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect... after the date of receipt of the notification by the Secretary-General. However, a denunciation notification of which has been given by a party engaged in armed conflict within the meaning of article 2 shall not take effect until after the conclusion of the operations to which the journalist's mission relates.

ARTICLE 19

Amendment

1. Any State party to the Convention may propose an amendment and file it with the Secretary-General of the United Nations.
2. The Secretary-General shall thereupon communicate any proposed amendments to the States parties to the Convention.
3. Amendments shall into force when they have been accepted by a two-thirds majority of the States parties to this Convention in accordance with their respective constitutional processes.
4. When amendments come into force, they shall be binding on those States parties which have accepted them ; other States parties shall continue to be bound by the provisions of this Convention or any earlier amendment which they have accepted.

ARTICLE 20

Notifications

The Secretary-General of the United Nations shall inform all States which are or which become parties to the Convention of the following particulars :

- (a) Signatures, ratifications and accessions under article 15 ;
- (b) The date of entry into force of the Convention under article 16, and the date of entry into force of any amendment under article 19 ;
- (c) Denunciations under article 18

ARTICLE 21

The original text of this Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned plenipotentiaries, duly authorized by their Governments, have signed this Convention.

DONE at..... on.....

ANNEX II

Amendments submitted by Hungary, by India and Spain,
by the Union of Soviet Socialist Republics and by the
United Kingdom of Great Britain and Northern Ireland

- (a) Draft article 2

Amendments submitted by the Union of Soviet Socialist Republics
(A.C.3/L.1952) :

- (i) Delete the words "or press technician" a/ in the first paragraph ;
- (ii) Delete the third paragraph.

(b) Draft article 3

Amendment submitted by Hungary (A/C.3/L.1956) :

Insert, in paragraph 2, the words "the International Federation of Journalists and the International Confederation of Journalists" after the words "of the Red Cross".

(c) Draft article 4

Amendment submitted by Hungary (A/C.3/L.1956) :

Add, at the end of paragraph 1, the words "on the basis of the provisions of this Convention".

(d) Draft article 5

Amendment submitted by the United Kingdom (A/C.3/L.1961) :

Replace the first sentence of paragraph 4 by the words
"The card shall be valid in any part of the world for any dangerous professional missions undertaken within a period of twelve months from the date of issue".

(e) Draft article 6

(i) Amendment submitted by the Union of Soviet Socialist Republics
(A/C.3/L.1952) :

Insert, in paragraph 1, after the words "where necessary", the words "because of a violation of the provisions of this Convention or of the laws of the country assignment".

a/ These words were replaced by the words "their technical film, radio and television assistants" in the revised draft articles (A/C.3/L.1963/Rev.1).

(ii) Amendment submitted by India and Spain (A/C.3/L.1953) :

Replace, in paragraph 2, the words "who is under its jurisdiction" by the words "who is within its territorial jurisdiction".

(f) New draft article 11

The following new draft article (A/C.3/L.1952) was proposed by the USSR :

"A journalist on a dangerous professional mission in an area in which there is taking place an armed conflict as defined in the Geneva Convention of 1949 must conform to the instructions of the military authorities, especially as regards his movements, access to areas in which fighting is actually taking place and bans on the collection of information or its transmission to any other person".

ANNEX III

Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts

Resolution on journalists engaged in dangerous missions adopted by the Conference at its second session

The Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law Applicable in Armed Conflicts,

Considering resolution 3058 (XXVIII) of 2 November 1973 by which the General Assembly of the United Nations requested the Conference to

submit its comments and views on the draft convention relating to the protection of journalists engaged in dangerous missions in areas of armed conflict,

Considering the resolution of 28 March 1974 whereby the Diplomatic Conference decided to give priority to the consideration of the question of journalists engaged in dangerous missions, in the agenda of its second session,

Considering resolution 3245 (XXIX) of 29 November 1974, by which the General Assembly of the United Nations expressed the wish that the Diplomatic Conference submit its observations and suggestions on the subject to the General Assembly at its thirtieth session,

Noting with concern that too frequently journalists engaged professionally in dangerous missions in areas of armed conflict do not enjoy adequate protection,

Having studied with great attention the question of the protection of journalists engaged in dangerous missions in areas of armed conflict,

Notes the results achieved in this connexion during its second session ;

Requests the Secretary-General of the Diplomatic Conference to transmit those results to the Secretary-General of the United Nations and to inform him of the intention of the Diplomatic Conference to complete its work on the subject during its next session.

ANNEX IV

Draft Additional Article for inclusion in Draft Protocol I to
the Geneva Conventions (1949), adopted by Committee I of the
Diplomatic Conference on the Reaffirmation and Development of
International Humanitarian Law Applicable in Armed Conflicts
during the Second Session of the Conference

In draft Protocol I, after article 69 add a new article reading as follows :

"Journalists who are engaged in dangerous professional missions in areas of armed conflict shall be considered as civilians within the meaning of paragraph 1 of article 45. a/ They shall be protected as such under the Conventions and the present Protocol, provided that they take no action affecting their status as civilians and without prejudice to the right of war correspondants accredited to the armed forces to the status provided under Article 4 (A) (4) of the Third Convention. b/ They may obtain an identity

a/ Article 45, para.1 of Draft Protocol I as adopted by Committee III at the first session of the Conference reads as follows :

"Article 45 : 1. A civilian is anyone who does belong to one of the categories of persons referred to in article 4 (A) (1), (2), (3) and (6) of the Third Convention and in article 42 of the present Protocol. 2. The Civilian populations comprises all persons who are civilians. 3. The presence, within the civilian population, of individuals who do not fall within the definition of civilians does not deprive the population of its civilian character. 4. In case of doubt as to whether a person is a civilian, shall be considered to be a civilian".

b/Article 4 (A) (4) of the Third Geneva Convention reads as follows :

"Article 4. Prisoners of War : A. Prisoners of War, in the sense of the present Convention, are persons belonging to one of the following categories, who have fallen into the power of the enemy : ... "Persons who accompany the armed forces without actually being members thereof, such as civilian members of military aircraft crews, war correspondents, supply contractors, members of labour units or of services responsible for the welfare of the armed forces, provided that they have received authorization from the armed forces which they accompany, who shall provide them for that purpose with an identity card similar to the annexed model".

card similar to the annexed model. This card, which shall be issued by the government of the State of which they are nationals or in which they reside or in which the news medium for which they work is located, shall attest to the holder's status as a journalist."

PRESENT VIEWPOINT OF THE IFJ⁽¹⁾

In the space of a few decades, the mass media in all the industrial countries have grown at an enormous pace. Following on from the cinema and the wholesale spread of news photography, first radio and then television have become the most powerful vehicles of information reaching out to encompass virtually the entire population. For a number of years now, we have been moving into a new era of development, in which new processes are being used for printing newspapers and books and a whole new range of possibilities are emerging in audio-visual technology.

Communication has become a basic fact of life in contemporary societies. It should come to play the same role in the developing countries, which are rightly raising the issue of a new world information order entailing a more equitable distribution of technical facilities throughout the world. But radio already makes it possible for the poorest and most isolated communities to play their part in the life of mankind as a whole and to keep abreast of the events that go to make up its history almost as soon as they occur.

Among the different means at hand for informing and shaping public opinion, written communication - and more specifically the press - continues to occupy a distinguished place. That fact was emphasized by the Director-General of Unesco, Mr. Amadou-Mahtar M'Bow when he said that books and the written word were still the privileged vehicle of knowledge and thought. Mr. Hubert Beuve-Méry also voiced the same conviction when he expressed the belief that, among so many marvels

(1) CC-79/WS/137 ; Document prepared by IFJ for Unesco

whose impact could be as overwhelming as it was exciting, the written word would remain the favoured medium of serious thought.

It is quite remarkable, then, that in spite of its fundamental importance, written information enjoys a status that is only embryonic, fragmentary and uncertain. For the most part, this status goes back to the nineteenth century, although indeed the press is no longer what it was at that time. If we were to hazard a striking comparison, the position of the written press could be said to be akin to that of a nuclear power station that has been built without any regard for proper operating conditions or for safety precautions. This image should be kept in mind when we come to examine the status of journalists, for that status dates back everywhere to the time when the written press was becoming the vehicle of human communication. It was therefore essentially dictated by the production and working conditions, technical possibilities, and social and ideological environment that were peculiar to the press in the nineteenth century and the first half of the twentieth century.

There is an increasingly sharp contrast between the pre-eminence of the role played by information and the scale and resourcefulness of its technical capability, on the one hand, and on the other, the frailty of the rules governing information, its lack of a proper status, and the almost total failure to provide protection consonant with the professional calling of journalists. The professionals themselves and press specialists have to live with that fact, but it is also coming to be realized by those in charge and the experts in the international community. The idea of protection as applying to the press and information, and to the journalists who are their agents par excellence, crops up in international discussions with a persistent regularity that bears witness to a growing awareness of its implications. For the time being, the general public - in other words, the people using the information - is scarcely bothered about the issue. The fact is that the phenomenon

is a recent one and that habits of mind which have also been inherited from the nineteenth century do not make it any easier to gauge the social dimensions of such a problem. However, it is high time that the international community started thinking about taking action, before the virtual monopolization, standardization and impoverishment of information that tend to accompany the introduction of new technologies do too much harm. It should also set about helping the developing countries to ensure, as far as possible, that the facilities with which they propose to fit themselves out do not bear the same mark of concentration, uniformity and near monopoly.

According to the tradition instituted in the eighteenth and nineteenth centuries, freedom of opinion and expression, and freedom of the press, related to people in the abstract. Freedom was sufficient in itself. If thought was to be able to express itself, all it needed was the freedom to do so. Since that was how society decreed that matters were to be, individual freedom, so perfect in itself, was accordingly ensured and writers and journalists and, in principle, any citizen whatsoever had only to find in themselves the ability to formulate their ideas and to communicate them. In short, all they needed was to take hold of their pens. This is the conception that was long prevalent, and it is still widely accepted although, in one part of the world, millions of people do not really have the possibility of expressing themselves or are subject to a one-sided flow of information while, in another part, the plurality of information is threatened by concentration of the media or by excessive constraint.

It is true that freedom is still, today, the life blood of information, whose social function cannot be dissociated from the free act of keeping people informed. The free play of information is still both a requirement and an essential form of the freedom of thought and expression. Hence, there can be no question of rejecting the

inspiration which, from the eighteenth century onwards, posited the right of every individual to make his voice heard by others, or the formulas through which this moral right of the individual was asserted as being one of the fundamental democratic freedoms. The aims of Article 11 of the French Declaration of the Rights of Man and of the Citizen, which dates from 1789, can therefore be regarded as still being relevant to the present day, when it states : "The unrestrained communication of thoughts or opinions being one of the most precious rights of man, every citizen may speak, write and publish freely, provided he be responsible for the abuse of this liberty, in the cases determined by law". It will be observed, however, that this conception, which sets up individual freedom as the sole condition of proper information that is both necessary and sufficient, totally disregards any economic environment.

In point of fact, the freedom of the press was first won in a struggle against the State. Who was it that could oppose such freedom, restrict it unduly, or call it in question ? The reply was for a long time straightforward and obvious : it was the State and the State alone. Who else could have an interest in attacking press freedom and the power to do so ? Historically, regardless of the form of government, public authority emerged everywhere as the sole real or potential adversary of free communication and of freedom of the press. This is the line of thinking taken in the First Amendment to the Constitution of the United States of America, which prohibits Congress from making any law abridging the freedom of speech, or of the press.

Throughout the continent of Europe, however, it was not until the end of the nineteenth century that the State slackened its grip on the press. As prior authorization, the putting-up of sureties, stamp duty and censorship disappeared, the police in most of the countries concerned were given orders to keep watch over printers while legislators,

at the same time as they were decreeing complete freedom, took care to protect society against abuse of the freedom granted to newspapers, which they might be tempted to misuse. In France, for example, the law of 29 July 1881, on which the status of the press is still based, reflects this mistrust, since most of the articles constituting the law are devoted to the repression of offence liable to be committed through the press.

History shows that the widespread fear inspired by State control of information was amply justified. It is noteworthy, however, that this danger has caused all the other dangers, such as losing sight of the fact that economic constraints could jeopardize the independence of newspapers and journalists, to be overlooked. The risk of seeing information fall into the clutches of high finance and come under the exclusive influence of powerful monetary interests has gone unnoticed.

The reason for such shortsightedness is clearly highlighted in the interim report of the International Commission for the Study of Communication Problems under the presidency of Mr. Sean MacBride :
"...the formulation of this fundamental aspect of freedom....occurred during a period when freedom of enterprise, heir to the doctrine of laissez-faire, appeared as the yardstick of all other freedoms, since it constituted the supreme value and touchstone of the business world - without it ever being wondered at whose cost this material success was obtained. A similar assimilation led to the misapplication of principles whose philosophical value remains undisputed. Hence, in the field of information, free flow between the strong and the weak, the haves and the have-nots cannot fail to have pernicious consequences for the latter(...). There may be cases where the freedom of the rich is in fact simply the reverse of the dependence of the poor". (MacBride Commission Report, paragraph 175).

It was in regard to relations between industrialized and developing

countries that the MacBride Commission was prompted to make that observation. However, its conclusions are equally relevant when applied to the information situation within individual countries. It would be unrealistic, therefore, to confine attempts to provide journalists with greater protection, and to improve their professional status, merely to the implementation of a set of isolated measures. Essential as such measures are, they cannot be separated from a status for information and for the organizations handling information, the purpose of which should be to ensure that newspapers, press agencies and radio and television stations enjoy effective freedom in relation both to authority and to economic and financial interests or other pressure groups, while taking account of the fact that the mass media have not only rights but also duties, which they can respect only in accordance with a professional code of ethics laid down by journalists themselves.

Now that the different forms of protection which it is desirable to grant journalists are being examined, it should be emphasized that the idea is to protect the journalistic function rather than to set professional newsmen above the law or accord them personal immunity. The practice of journalism cannot be assimilated to that of diplomacy, since journalists do not enjoy any extraterritorial rights. Indeed, the very idea of corporate privilege is alien to the code of ethics of journalists, and that code itself forms part and parcel of the ethics of information.

The first question arising is that bound up with the definition the term "professional journalist", and with recognition of that quality and protection of the title.

1. The professional journalist

During the consultative meetings which it organized, the MacBride Commission drew up the following definition : "Journalist" means any person,

irrespective of nationality , who is regularly and professionally engaged as an editor, reporter, photographer, cameraman or technician of the press, radio, television or filmed news services in seeking, receiving or imparting information, including opinions, ideas and comments for daily or periodic publications, press agencies, radio or television broadcasting services or filmed news services.

"In order to benefit from the following provisions, such persons must have the status of journalists by virtue of the law or practice of their country of nationality or residence, and consequently be in possession of a professional card or equivalent document, issued by a national instance or by an international organization competent to do so. In the event of such a card being refused or withdrawn, the person concerned should have the right of any effective remedy before a national or international body, as the case may be".

The IFJ generally concurs with this definition, although it would like to see it supplemented in respect of a number of points.

In the first place, it is desirable that an idea taken up by many domestic laws be included in the definition of a professional journalist. This is the idea of principal regular paid employment, which has been written into French law since 1935 and is embodied in the Labour Code under Article L 761-2. In practical terms, the quality of professional journalist is conferred on those persons who devote the greater part of their working lives to journalistic activity and receive from that source more than half the resources needed for their livelihood. These are the conditions on which the journalist's professional card is issued - i.e. on the basis of their principal employment and the bulk of their professional earnings - to members of the editorial teams of press organizations (daily or periodical publications, press agencies, filmed news services, and radio and television stations) or to those

independent or freelance journalists and stringers who engage in journalism without being exclusively attached to one particular press organization.

The idea of principal regular paid employment is thus instrumental in drawing a distinction between professional journalists and all those who may, occasionally, collaborate with the information media as amateurs or experts from outside the profession, without sharing all its responsibilities and obligations. These outside contributions also need to be protected, since they give added substance to the content of publications and broadcasts. At the local and regional levels, such contributions are indeed vital, for it is not uncommon for them to be more non-professional journalist working on a newspaper on a regular basis than the actual number of professional journalists employed. Whatever the situation, it is the function of the journalist that has to be protected. And such protection will be more readily afforded if the rights which the professionals are recognized as having are better assured and, by extension, are also applied as a matter of course to non-professionals inasmuch as they take part in the collective endeavour.

There can be no question of using a definition of what constitutes a professional journalist to reserve the right of expression and publication to professionals alone. Since the press must enjoy freedom that is indivisible, no prohibition or restriction can be allowed in regard to the militant or voluntary fringe press written and published by people who certainly do not lay claim to the title of professional journalist. Recognition of that title does not mean, as it did in the spirit of the old trade guilds, that an area of activity which ought to be everybody's right is set aside for only a few people. That is why it is important to uphold the declaratory character of the journalist's card. It testifies to the exercise of a particular profession. It does not constitute a right but bears witness to a person's capacity as a professional journalist, and it should not secure any right for anybody not actually performing that function.

On the other hand, the title of professional journalist should be granted - and hence the card issued - to anybody actually performing that function. In countries where there used to be an "order" of journalists governing the profession, abnormal situations have been observed. This problem arose in Italy since Mussolini and was gradually solved. Collaborators who had the right to sign their articles could not continue to be regarded as being the only professional journalists, when a large part of the editorial team was deprived of that title. A similar anomaly is currently reported in the democratic Spain of the post-Franco era : people whose actual principal regular paid employment is not journalism still bear the title of journalist and hold the journalist's card (card N° 1, incidentally, was issued to the Caudillo himself), while a very large number of journalists, some of whom occupy very important and responsible positions in editorial teams, are being refused both title and card. Whatever the grounds for such anomalies, it would be desirable for them to be removed in every instance. In particular, it is quite inadmissible for access to an occupation to be confined to people who have first obtained a diploma or who have made an act of allegiance to a particular ideology, with the result that people exercising a different activity are officially regarded as journalists and the title of journalist is refused to people who are genuinely skilled in the craft of information and are working at it every day.

There are only two specific cases in which it is normal for the journalist's quality, title and card to be kept by people not actually performing that function in one or more press organizations. These are unemployment, whether as a result of dismissal or invocation of the conscience clause, and legal incapacity, whether journalists are prevented from exercising their profession because of political persecution or are subject to legal proceedings whose merits have still to be determined.

It should be agreed that journalists who are out of work, or who

are victims of interference with the freedom of opinion, can continue to enjoy the quality of journalists whenever the people concerned express the wish to do so, and as long as they have not changed their occupation.

2. The professional journalist's card

The logical outcome of the foregoing comments on the definition of what constitutes a professional journalist - namely the declaratory character of the document testifying to the function, the need to leave access to the profession open, and the consistency existing between the actual exercise of the profession and the title corresponding to the exercise of that function - is that professional newsmen are the people best placed, and indeed the only people qualified, to say who is a journalist and who is not.

Several systems are operating at the present time and appear to satisfy all the people involved, i.e. the journalists themselves, the publishers (or employers) and the public (users of the information). In one case, corresponding to long standing practice and to a tradition enshrined in customary law, the quality of professional journalist is attested by possession of a union card. This practice still appears to be favoured, for example, by journalists in the Netherlands. It presupposes the existence of a strong trade-union organization. It may be combined with another practice which is not specific to the profession but belongs to the protective armoury used by the trade unions in collective bargaining, namely the "closed-shop" or "union-shop" agreement. This last mentioned aspect is known to have given rise to controversy for some time now in Great Britain, where the closed shop was invented, but it cannot be examined in this paper since the International Federation of Journalists has hitherto considered that, unless there were some overriding reason, it was not for the IFJ to take a position on the means which the trade-union movement uses to defend the interests of wage earners.

In a great many cases, the union card system, certifying that the holder belongs to the profession, existed prior to the introduction of a legal professional card. This is particularly true of France, where far-reaching legislation was passed in 1935 and 1936 to define and protect the exercise of journalism. In point of fact, the relevant legal provisions have been taken as a yardstick for other countries, again quite recently in the cases of Portugal and Spain.

In borderline cases, the difficulty lies in establishing whether the applicant's situation corresponds, in fact, to the exercise of journalism as his principal regular paid employment. Objectivity can be ensured by arranging for magistrates to sit on the same body as professional journalists or by entrusting the task of issuing cards to a body on which both journalists and employers have equal representation and whose decisions can be reviewed, at a second stage, by a body in which magistrates also participate.

Until further information is available, the system for which France has set the example appears to offer the best guarantees of objectivity. The body responsible for issuing cards is composed of professionals who are elected in equal numbers by both journalists and employers and who have equal representation at meetings, without the presence of government officials or representatives of the State. Even so, in addition to this first-stage procedure, there exists an appeals body, which is presided over by a magistrate assisted by two assessors, but on which the professionals (journalists and employers) are still in the majority.

The professional card granted and issued by a public body is an official document which generally gives the benefit of legal protection, and the wrongful use of the card or the manufacture and issue of false cards are liable to criminal proceedings. It should be added that the

issue of cards to people not entitled to them on the strength of unsubstantiated testimonials could be usefully thwarted if the list of card holders were communicated annually, or at the holders' request, to the qualified representatives of the editorial staff in each press organization.

3. Gathering information

The conditions in which journalists exercise their profession may vary to a considerable extent. They may work in their own country, or else work abroad on a permanent basis as correspondents or permanent special envoys or in connection with a reporting assignment or an investigation. Some journalists may work under conditions that are stable and normally conducive to the gathering of information, while others may have to carry out dangerous assignments in countries where trouble is rife or in regions where there is armed conflict and the rule of law is ill-defined.

Regardless of the conditions in which they work and the situations which they have to contend with, it is obvious that the more journalists benefit from special protection, the better the position they will be in to do their work properly and produce thorough, impartial and high-quality information. Such protection is not meant to secure privileges for journalists, but rather to enable them to communicate the best information possible to the people who read or listen to their reports or watch them on television. It is from this standpoint that consideration will be given successively to the forms of protection which should foster the gathering of information by journalists on dangerous assignments in foreign country and by journalists working in their own countries.

4. Journalists on dangerous assignments

The Geneva Convention of 1949 provides that journalists who accomplish dangerous missions in areas of armed conflict shall be

regarded as civilians and shall be protected as such provided they do not undertake any action that infringes their civilian status.

The Convention specifies that journalists may obtain a special identity card, which should be issued by the government of the State of which they are nationals or on the territory of which they reside or else in which the press agency or organization employing them is located.

The United Nations has considered a draft Convention for this purpose, but it has not been possible to reach final agreement.

For its part, the IFJ, at its Istanbul Congress in September 1972, stressed the fact that the cards providing safeguards for journalists under such a convention should be issued not by Member States but by a neutral body that is not a party to the conflict. The International Federation considers that the issue and scrutiny of such cards must be a matter for an international professional committee composed of journalists elected or appointed by the United Nations in consultation with journalists' organizations. The composition of the committee should also take account of the equitable representation of the different geographical regions and the different types of media involved (i.e. the written and the audio-visual press).

5. Journalists on assignments in foreign countries

Journalists exercising their professional activity in foreign countries, whether as accredited journalists, or as correspondents in the host country, or else as reporters or senior reporters⁽¹⁾ or special envoys for particular investigations that are circumscribed in time, must all benefit from protection against arbitrary action, discriminatory measures or administrative abuses.

(1) Reporters carry out their investigations under the responsibility of the editorial staff of the press organization, while senior reporters are only answerable to the managing editor.

The protection sought by journalists cannot be assimilated to that enjoyed by diplomats. Journalists do not enjoy any immunity. They are subject to the laws and jurisdiction of the host country. They do not have to request accreditation from the host country (unless, like national journalists, they are accredited to a specific administration or authority). If they commit an offence punishable under common law, they are subject to legal proceedings and to appear before the normal courts of the State concerned, but any arrest of a journalist must be reported to the diplomatic representation of his country or of the country responsible for watching over the interests of his country of origin.

The rights which journalists are accordingly recognized as having must not run contrary to a State's sovereign prerogative of drawing up its own laws. When all the nationals of the State in question enjoy the benefit of democratic guarantees, and in particular the right of habeas corpus, foreign journalists are, by virtue of the fact, normally protected from arbitrary action, unwarranted arrest, detention or house arrest. An international convention applicable in all countries should provide that any infringement of the personal freedom of journalists of foreign nationality should be brought without delay to the knowledge of the embassy of his country, and that the person concerned should be allowed regular visits by a representative of that embassy and enjoy the benefit of legal aid.

The personal freedom of foreign journalists is usually infringed only in countries that are at war or are suffering from civil strife or internal disturbances, or else are prey to regimes in which individual liberties are curtailed or indeed to dictatorships. On the other hand, discriminatory measures that are taken more or less surreptitiously are commonly to be feared in any situation. These may include the refusal to grant entry visas or residence permits ; refusal to acknowledge press cards ; refusal to grant access to press conferences or official

information, censorship of dispatches ; refusal to grant access to means of communication and, lastly, expulsion.

All these discriminatory measures should be formally outlawed, even in instances where they are only of a vexatious character and do not really impede the journalist's mission. It may be pertinent, on the other hand, to recall that journalists are required to comply with a code of ethics (cf. Section 19) which consists, inter alia, in aiming at providing objective information on the country in which they exercise their functions or are carrying out an investigation, in other words the information they provide should be honest and as thorough as possible.

6. Journalists on assignments in their own countries

The authorities generally and government departments represent one of the key sources of information for the press. However, unless long-standing and very deeply rooted liberal traditions exist, there is a considerable temptation for anybody wielding public authority to adopt two equally blameworthy attitudes towards journalists.

The first consists in practising a systematic policy of secrecy which, it might be added, is almost second nature in the vast majority of countries. There are a few countries which, like the United States of America, admit in theory and in practice that their citizens, and hence their journalists, are entitled to have access to information and that, apart from exceptions dictated by military security or legitimate respect for the private lives of individuals, any official or administrative document is at the public's disposal. However, owing to a broad interpretation of the concept of "public order", a whole series of documents, reports and administrative papers which ought not to be covered by such an attitude of silence are concealed from public knowledge.

As a rule, communication of information should be mandatory but, in exceptional cases, communication could be prohibited, provided that this is duly laid down in written provisions pertaining to the subjects or documents covered by the seal of secrecy.

The second attitude commonly adopted by the authorities is that of not treating all journalists on an equal footing. The temptation to give preference to some journalists and to withhold information from others is understandable. The reasons are political. Journalists belonging to publications that are favourable to the party in power or to the established majority and to the privileged strata of society enjoy facilities that are refused to those whose newspaper stands with the opposition. The same method can be used more subtly in dealing with particular publications or journalists, in a bid to offer them encouragement or to prompt them to become more amenable.

Such blameworthy practices may also consist of inviting some journalists to press conferences but excluding others ; of refusing to accredit journalists to a particular ministry or to the Prime Minister or Head of State ; or of withdrawing the accreditation of a journalist who is not "persona grata", or has ceased to be regarded as such.

Such a policy of secrecy and such discriminatory practices inflicted on certain journalists are not peculiar to the political authorities alone. They are a means of exerting pressure which can be used by private economic and financial interests, by private pressure groups, and by advertisers who do not hesitate to brandish the threat of withdrawing their business from publications which have displeased them.

The only effective protection against such practices, which exist to varying degrees in the most varied political systems, is for society to make a rule of ensuring that there is free access to information of all kinds, with governments themselves setting the example of transparency

and secrecy (explicitly motivated) remaining the exception. The issues involved are as much moral as they are legal.

7. Transmission of information

Journalists should be protected not merely at the information-gathering stage. Protection is also needed in respect of the transmission of information. This is a problem well known to many correspondents and special envoys or reporters covering events outside their own countries.

The postal services' refusal to establish communication links or to transmit message, undue delays, and deliberate sabotage of transmissions are all forms of indirect censorship and are quite as objectionable as straightforward, blatant censorship.

On a quite different plane, it should also be noted that high telephone, telegraph or teleprinter rates can also be an impediment to the circulation of news and to the speed and value of the information conveyed. It is desirable, therefore, for international action to be taken, with a view to lowering the postal and telecommunication rates applicable to the press. However, such preferential rates should be granted only to press agencies, daily newspapers and periodicals providing general and political information, in short only to publications whose function it is to supply information of general interest and to shape public opinion.

The same publications, together with radio and television stations, should generally benefit from the entire range of direct and indirect assistance which the community offers the press (cf. Section 16). It should be noted, incidentally, that this is true of the reductions granted in respect of postal and railway and airline rates for publications dispatched in large numbers to press distribution services and to subscribers. These facilities should be granted to the information media only and

should not cover the handling of commercial printed matter or even of advertising material.

8. The checking of information

A scrupulous journalist or one who simply believes in doing his job properly, knows the value of the adage "testis unus, testis nullus" (one witness is no witness). He always seeks to check his information. Errors and inaccuracies are none the less unavoidable. They sometimes stem from the journalist's negligence or incompetence, or even from his dishonesty or bias. But more often than not they are due to the conditions in which he has to work, constantly engaged in a race against time, collecting his information at a speed that is hardly compatible with scientific exactitude.

The purpose of the right of correction and the right of reply is to correct such inaccuracies.

The right of correction obliges the director of a publication to insert free of charge on the front page of the very next issue a correction addressed to him by a representative of the public authorities concerning acts performed in his official capacity that are alleged to have been inaccurately reported by the press organ in question.

This right has to be defined very precisely, for it can by its nature impair freedom of the press. In many countries including France, it can be invoked only by civil servants in whom a minimum of public authority has been vested. It is to be observed, however, that this right, particularly in the form laid down by the French law of 1881, has more or less fallen into disuse. The reason for this is that a civil servant who has been referred to by name, to invoke such a right without the authorization of his hierarchical superiors. Consequently, recourse is no longer a possibility in France now except at the highest level, that is, at ministerial level, and the matter tends to be settled out of court rather than in court.

Inaccurate reporting may, at the international level, be a source of serious tensions and even endanger peace. The United Nations General Assembly therefore provided in 1949 for an international right of correction. The Convention establishing this right has never entered into force, however, on account of the fear felt by various countries that this right may serve as a pretext for flooding the newspapers of ideologically opposed countries with propaganda material in the form of communiqués. It is to be noted that the international right of correction exists in the legislation of the United States.

The right of reply, which is open to private individuals who have been criticized by a press organ, is on the contrary very widely practised in many countries, and in those countries it is strictly respected by the newspapers. It is widely accepted both by the press and by public opinion in most of the countries belonging to the European continent and no serious criticism is made of it.

In the Anglo-Saxon countries, however, this right of reply is unknown. It would appear that abuses do not arise in this connection owing to a long-standing liberal tradition and a spirit of democracy, as well as the frequent use of readers' letters ; it is true that libel and insults are more severely punished in those countries than elsewhere.

Lastly, the right of correction and the right of reply are practically unheard of where the audio-visual media are concerned. The attempts that have been made to introduce the right of reply on the radio or the television at present constitute isolated examples.

9. Protection of freedom of expression

The freedom of opinion and expression enjoyed by journalists should not be regarded as a privilege of that profession. It is inseparable from the freedoms enjoyed by citizens as a whole. It is impossible to conceive of a political system in which the press would benefit from

a freedom not granted to the population. The degree of independence accorded to the press is thus the best criterion for judging of the degree of democracy of a nation.

Freedom to write and criticize cannot be separated from the general political context for another reason : it is the primary condition for the existence of other freedoms. Citizens cannot be aware and form part of an organized community except in so far as they are correctly informed by a multiplicity of sources and are thereby in a position to participate in democratic debate with full knowledge of the issues involved.

It is consequently superfluous and even suspect to seek to define freedom of the press ; it is either the essential expression, the culmination of democracy, or else it is an abstraction devoid of meaning, lending itself to the most questionable interpretations.

Moreover, a distinction should be drawn between freedom of the press, which concerns the freedom to publish newspapers and to express one's views therein, and the freedom of journalists, their independence and the lesser or greater opportunity they have to deal with current events as they see fit, giving them a coverage commensurate with the importance they assign to them. The two concepts are not entirely interchangeable if only because newspapers and information itself are collective products. Freedom of the press may exist without the independence of journalists necessarily being ensured. The question of better safeguards for the independence of journalists is to be considered from three different angles :

that of the relations between journalists and economic power, which will be examined below in section 13 ;

that of the relations between journalists and the State ;

that of the relations between journalists and management.

We shall now consider the last two aspects.

10. The relations between journalists and the State

It is almost superfluous to recall that historically the press has always been viewed with mistrust by the authorities, who have sought to control it by means of various restrictions or prohibitions : censorship, sureties, suspension, prior authorization, stamp duty, prohibition of certain reports, etc.

Protecting the freedom of expression of journalists therefore consists first and foremost in admitting none of these restrictions, which are incompatible with a democratic system.

Can it be contended, however, that there are no limits to freedom of the press, that newspapers can publish whatever they like, the only possible penalty being loss of readership ? An author who was born around the time that the freedom of the press was first being recognized, Prévost-Paradol, has written : "Newspapers are dangerous when, having no fear of punishment, they provide an almost irresistible temptation to give vent to all kinds of unwholesome feelings". He nevertheless added : "But they do not have a less baneful influence when, oppressed or their freedom curtailed, they are but an instrument in the hands of power".

Freedom of the press does not rule out the possibility of abuses, which must be penalized. Offences committed through the medium of the press do not escape punishment in any legislation, whether or not it contains specific laws concerning the press. The French law of 29 July 1881, which lays down the principle of freedom of the press and lifts the last restrictions to which it was subject, takes the form of a series of legislative articles enumerating a number of offences that may be committed through the medium of the press.

It is often very difficult to decide at what point an abuse becomes a violation of the law. If discernment is not brought to bear, the result may be the inflicting of a disproportionate and unjustified punishment. Such may be the case when what is involved is incitement to crime or incitement to commit an offence, encouraging soldiers to be disobedient, for instance, rising to the defence of conscientious objectors, providing an incitement to debauchery or to the practice of abortion, insulting the President of the Republic, the monarch, a foreign Head of State, the judiciary, and so on.

11. The relations between journalists and their employers

As a general rule, journalist are wage earners and hence are in a subordinate position which makes them legally bound to their employers and to their hierarchical superiors among the editorial staff and in the employing company.

How can this relationship of subordination be reconciled with the independence required for the journalist's work ? How is the journalist's position as a wage earner compatible with the fact that he is engaged in an activity that can in theory be ranked as a liberal profession ? The answer lies in the "conscience clause", of which a precise - and limited - legal definition was given by the French law of 29 March 1935. The provision in question is one that has been incorporated in many national legislations, the recent Portuguese press law being the most recent instance, and currently being demanded by journalists' organizations in Spain.

When a wage earner is dismissed by his employer without having committed a serious offence depriving him of the right to compensation, the amount to which he is entitled is determined by his seniority in the company. Such compensation does not have to be paid when the wage earner resigns. It has nevertheless to be paid to journalists if the publication changes hands or ceases to appear (which does not necessarily

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terminate a contract of employment, assuming that the company brings out other publications) or, lastly, if the journalist's resignation is motivated, in accordance with the present wording of a provision of the French Labour Code, by "an appreciable change in the character or policy of the newspaper or periodical and if this change creates for the employed person a situation likely to reflect upon his honour, his reputation or, more generally, his moral interests".

Strictly speaking, the conscience clause corresponds to the possibility of resigning while receiving the same compensation as that due for dismissal, on the grounds of the moral prejudice sustained as the result of a change in the character or policy of a publication. It is thus as if it were a negative right that takes the form of an option to leave while receiving financial compensation, the amount of which varies with seniority, when the employee's conscience does not allow him to remain in the same employment.

Needless to say, in periods of great unemployment, the possibility is all but theoretical or calls for a certain degree of self-sacrifice since, for some, taking advantage of it is tantamount to leaving the profession. Furthermore, the right to benefit from the conscience clause is often recognized only after a lengthy and costly lawsuit in which the journalist has to prove that the changes which have occurred in the company employing him are such as to cause him moral prejudice.

The journalist's recognized right to invoke the conscience clause is in fact effective in the most serious cases. It is ineffective when no visible, manifest or marked change occurs in the structure of the organization. The journalist's professional dignity would for this reason be better protected, in his relations with his employers, if the conscience clause could be brought into play at any time during his period

of employment in cases of serious and justified disagreement.

It is to be observed, lastly, that this right to invoke the conscience clause, exercised individually, is to some extent illusory and difficult to apply in the case of a dispute between an editorial team and the owner of the news medium, who may in fact change without the editorial staff being able to do anything about it. A line of thought has developed over the last quarter of a century in Western Europe, particularly as a result of press concentrations, that has led to increasing emphasis being laid on the problem of the collective protection that should be available to the editorial staff regarded as a corporate entity.

Between the publication and the editorial staff who put it together there exist other links than the wage earner's relationship of subordination in regard to his employer : there exists an intellectual relationship that is so close that it shapes the personality both of the publication and of the editorial staff. The publication is shaped by the editorial staff. The editorial staff is in a sense shaped by the publication. The symbiosis is all the more marked in that it defines and consolidates the personality of the press organ.

In this context, the right of ownership of the newspaper proprietors is not called in question as such. But their representatives should take into account the moral rights of the editorial team.

Several solutions have been found to the problem of the relations between journalists and newspaper proprietors. One, which is being widely adopted in the Federal Republic of Germany, consists in a contract between the proprietary company and the editor, responsible for the contents of the newspaper on the basis of a specific general policy (which is set out in the letter of appointment of each member of the editorial staff).

The editor is thus responsible, in the eyes of his team, for ensuring the collective independence of the staff and at the same time responsible, in the eyes of the shareholders, for ensuring the smooth running of the enterprise. This clear-cut division between the prerogatives of capital and those of the journalists presents something of a problem, particularly when there is an editor's chair to be filled. But, in a number of cases, the system works to everyone's satisfaction, not only in the Federal Republic, but also in other Nordic countries and in Switzerland.

Another solution applied to the same problem is one that was adopted for the first time by the French daily "Le Monde". The editorial team has a say in determining matters that are essential to the life of the enterprise. For instance, at "Le Monde", the editorial staff, acting in the form of an association, the "editorial guild", have a sufficient share in the company's stock for it to be impossible for any important decision, starting with the appointment of the director and that of the editor-in-chief, to be taken against the collective will of the journalists.

On the basis of this experience - an extremely positive one since the newspaper in question is the most highly reputed French daily - the idea has emerged that, in one way or another, the collective protection of the editorial staff lies in their having the status of a legal entity. Commercial law, to which press organizations are subject in most of the liberal countries, makes it necessary for a roundabout approach to be adopted in the form of stock sharing (as at "Le Monde"). This roundabout approach does in fact complicate things in some cases. For it confronts the journalists with issues that have nothing to do with the contents and layout of the newspaper; it gives them a managerial function for which it is not absolutely sure that they are professionally qualified. For this reason, the idea has been suggested of having recourse to the law to grant to the editorial team a legal status and definite rights. It

would thus be mandatory for all the journalists working for a publication (and not only those belonging to an "editorial guild") to be consulted through their elected representatives, to make sure that they are in agreement with any measure (in particular, a merger, concentration, liquidation, issue of stock) likely to affect the policy line of the newspaper.

Such supervision exercised by the editorial team should also be reflected in the obligation to secure the prior agreement of the staff in the matter of the designation of the director or chief editor.

Other solutions have been adopted in recent years. That consisting in the setting up of editorial boards and that of organizing newspapers as co-operatives, in democratic Portugal, may be considered to be successful. Moreover, editorial boards exist in various countries with a great deal of variation in their respective functions and their power to exert any real weight. In most cases, these are boards or committees with consultative status.

It is to be noted, lastly, that sometimes established practice suffices to ensure journalists in their daily work of real professional independence, although in a limited sense. Thus, when an article has been cut or altered for one reason or another, the author's signature continues to appear after it only if he has given his consent.

12. Professional secrecy

In the legislation of several countries journalists are included among those persons who can legally avail themselves of professional secrecy. But this remains the exception. Paradoxically, Great Britain, where respect for freedom is so developed and has such a long tradition behind it, not only does not recognize this right, but also has recently

been the scene of a whole series of much-talked-about cases in which journalists fell foul of the law because they refused to reveal their sources of information.

This is a grave subject of concern to journalists' organizations throughout the world. They consider that professional secrecy is necessary for the free exercise of the profession of journalist, and even that it constitutes for journalists a duty that should be strictly respected as a matter of professional ethics. This is why professional secrecy is included in the charter of rights and duties drawn up in Munich in 1971.

There are grounds, however, for taking the view that this professional secrecy is different from that by which various other persons are bound (members of the medical profession or lawyers, for instance), who are committed to the role of confidants and thus acquire knowledge of certain facts in the exercise of their profession. Journalists do not claim that they have a right to professional secrecy as a general and absolute principle. They simply ask that they should not be obliged to reveal the source of their information, particularly in courts of law, when that source has requested that they remain silent, or when they consider that such disclosure might be dangerous or prejudicial to their informant.

It is in the public interest to respect this principle. For the violation of professional secrecy can only encourage witnesses to keep their mouths closed, to conceal the truth and not to carry out what is in fact a civic duty.

13. Protection against economic pressure

The champions of freedom of the press have up to now directed their energies against the only potential adversary that they have recognized,

the State. They have largely neglected the fact that economic pressure may also jeopardize and undermine the freedom and independence of newspapers and of newspaper staff.

In actual fact, the press should be on its guard in both cases, but it should not go so far as to consider economic interests and those of the State to be invariably and resolutely opposed to its own.

In a modern, democratic system the public authorities can, through adequate legislation, afford the best possible protection to freedom of the press and provide newspapers with effective assistance.

Press organizations like many other businesses conduct a whole range of commercial operations that, in order to develop, require private capital and investments and need to make a profit. Under these circumstances, the independence of the press is the result of a delicate balance between conflicting requirements. Subjected to the pressures exercised by the public authorities on the one hand, and the demands of high finance on the other, the independence of the press is always of a very relative nature. Let us first consider what protection can be afforded against concentrations.

14. Protection against press concentrations

In the industrial or commercial spheres concentrations generally present social disadvantages or drawbacks in respect of competition, but they may be warranted at the technical level. In the newspaper world they are always to be deplored, for they are harmful to the pluralistic expression of opinions and may even lead to monopoly situations as a result of which there is no longer any interplay of ideas and entire populations are subjected to information originating from a single source.

The view is generally taken that any business run in such a way that it becomes a de facto monopoly presents the community with a problem : in some legislations competition has to be re-established by means of anti-trust action, in others the de facto monopoly has normally to become the property of the community. Where press organizations are concerned, however, public opinion is loath to contemplate the latter solution. The idea of a newspaper becoming State property is not one that commends itself.

Press concentrations therefor call for particular vigilance and specific solutions. What are those that can be envisaged ?

The first temptation is to seek the prohibition of all press concentrations. In view of the economic ill-health of various publications, generally indeed newspapers and periodicals devoted to the analysis of political and current events, the cure may prove worse than the disease and lead to the disappearance of the publication and of the company and the dismissal of all the staff. This solution of purely and simply prohibiting concentration, besides being too easy, also has the disadvantage of preventing other, more constructive solutions from being sought.

The following measures may thus be advocated :

It should be compulsory for the editorial team to be consulted regarding any measure likely to alter the policy line of the newspaper (mergers, concentration, transfer of stock, etc.) (cf. Section 11 above) ;

It should be laid down by law that the same person or company cannot own more than one general and political daily newspaper

(such a provision exists in French law since a decree of 26 August 1944, but it remains to be applied) ;

In all cases, the danger of concentration should be the subject of a public inquiry, as has usefully occurred in Great Britain.

15. The status of the press organization

Various publications - in fact, the majority - are directed towards an exclusively commercial goal : to earn money while providing entertainment for their readers. Others perform a function of general value by providing the public with political, economic, social and cultural information. Both types of publication are governed by the same status, or rather, suffer from the same absence of status. The legal provisions governing press organizations are in fact the same as those applying to commercial undertakings in general and do not take into account the special nature of the press.

It consequently seems desirable to define the status of public utility press organizations.

The following are to be considered as such : private organizations publishing newspapers or periodicals devoted to a large extent (at least 50 per cent) to political, economic, social and cultural reporting, that derive a substantial proportion of their resources from the proceeds of sales and from subscriptions and that effectively ensure the collective participation of the journalists of the company in the taking of decisions concerning the general policy lines of the newspaper (designation of the director and of the editor, transfer of stock , mergers, editorial policy). Such organizations would benefit as a matter of priority from public assistance to the press and, where appropriate, of special advantages to compensate for meagre advertising revenue. A fund for the development of public utility press organizations would be set up whose

resources would include the proceeds of a supplementary tax on the advertising revenue of television and that would be empowered to provide assistance to existing publications or to new publications during their launching period.

A press operations commission could also be set up with responsibility for supervising concentrations and ⁴issuing information concerning the financial position of press organizations concerned with general and political reporting. This commission would act as a permanent source of public information concerning the sound financial administration of political dailies and weeklies, these having the obligation to transmit to the commission a series of documents (list of owners and share-holders, annual balance sheet and financial report, de facto or de jure links with a press consortium, etc.). In the event of a projected change in the ownership or control of a publication, the persons conducting the corresponding operations should inform the commission beforehand, supplying it with all possible information concerning the measures contemplated. If the commission took the view that a particular measure was likely to be prejudicial to the pluralistic expression of opinions or to cover up a change in the policy lines of a political daily or weekly, it could oppose it. Such is the reform advocated in France by the Economic and Social Council, on the report of Professor Georges Vedel.

In addition, public assistance to the press should be so designed as to bolster the financial situation of public utility publications and thereby to protect them from takeovers (cf. section 16 below).

16. State assistance to the press

Many States provide their press industries with assistance, often of a substantial kind, in the form of cheap rates for the dispatch of newspapers in bulk by the post or railways, reduced telephone or

telegraph rates, tax exemptions and subventions.

The resulting depreciation in the State's revenue is sometimes considerable (more than 3 million francs yearly in France or close on 20 per cent of the annual turnover of the printed press).

Such assistance should normally be granted only to "newspapers and other periodicals published with an eye to the general interest for the purposes of public instruction, education and information". However, in the absence of a precise definition of the publications that fall into this category, such assistance has gradually been extended to a multiplicity of publications that should not normally benefit from it (escapist press of escapism, heart-throb press, sensationalist press, etc.). Such a situation has two disadvantages. It involves the squandering of public funds, but above all, newspapers that provide a forum for political or topical debate, which are the most lacking in resources on account of insufficient advertising revenue, are thus deprived of resources intended for them, whereas the main newspapers to benefit from such assistance are the most well-endowed ones, which are often among the most mediocre from the intellectual or moral point of view.

Public assistance is of considerable importance to the press and is essential in a democratic system to safeguard plurality of expression and opinion. Nevertheless, such assistance should be reviewed and put to rights so that it actually goes to those for whom it is logically designed.

Assistance should be adjusted in accordance with the different types of press publication. The first category could cover that devoted to general and political reporting (political dailies and weeklies) ; this would be the most assisted category. The second category would be constituted by the trade and technical press, including publications for young people, sports and fashion publications, etc. The third

category would cover publications of purely entertainment value (including the heart-throb press, the escapist press, the sensationalist press, the erotic press, etc.). This last category, benefiting from no assistance, would include pornographic publications or publications not allowed to be placed on public display or to be sold to minors.

In addition, the possibility of receiving public assistance should be reserved for publications staffed to a minimum extent by professional journalists.

17. Protecting the quality of reporting

When all is said and done, it is not for selfish or corporatist ends that journalists demand better protection, but because they consider that this is a precondition for improving the quality of reporting.

Improving the quality of reporting streamlining structures and giving journalists a real status, but it is none the less obvious that, in a sphere in which intellectual and moral considerations are so important, this progress should also be sought through the provision of training and the application of professional ethics.

18. Vocational training for journalists

The International Federation of Journalists considers free and open access to the profession of journalist to be one of the essential preconditions for freedom of the press.

It nevertheless attaches great importance to the training of future journalists, which has moreover been one of the aims assigned to it by its statutes ever since it was founded.

It is highly desirable for future journalists to have a broad general culture and hence to have received university training. However, possession of a diploma of higher education should not be an absolute requirement for access to the profession, especially in countries where, as a result of social inequalities, only a small proportion of working-class children obtain university education.

The training provided subsequent to secondary education and at the same time as or after university education, in schools of journalism recognized by the profession, whose teaching staff consists of both professional journalists and university-level teachers, is clearly best suited to the needs of future journalists. Such schools and training centres are playing an increasingly important role in the training of students from other countries, particularly developing countries.

In many countries universities award diplomas in journalism. The value of such training is all the greater in that the corresponding curricula take account of practical conditions in the profession and the number of diplomas awarded is not unrelated to outlets on the labour market.

At all events, it is highly advisable for qualified representatives of journalists' organizations to have a hand in determining the content of such training and drawing up curricula.

19. Professional ethics

Like all freedoms, freedom of expression has a limit, arising in this case from the concern not to harm others. For this reason, even the most liberal legislations, whether or not they refer explicitly to the press, contain definitions of offences that may be committed through the medium of the press : libel, insults, incitement to violence, to racism, to xenophobia, etc.

The law provides for the punishment of such offences, or in other words for penalties in the event of their being committed. Might not an attempt be made to prevent offences from being committed by providing journalists with a code of conduct, a sort of safety device indicating, for the purposes of prevention, the bounds beyond which journalists should not go ? This "code of honour" would have another advantage and another justification : while the penal code punishes various unmistakeable offences committed through the medium of the press, it does not cover certain violations of moral decency and certain breaches of professional rules that may turn out to be fraught with consequences.

The idea that, professionally speaking, journalists have not only rights but also duties towards the community is a widespread one. While, however, this idea is not challenged in terms of its underlying principle, it is difficult to put it into practice. In various countries journalists' unions and associations have endeavoured to define professional principles in the light of their own experience. Special mention should be made of the "Declaration of the Rights and Duties of Journalists" drafted in Munich in November 1971. First, because this text is the fruit of the joint efforts of all the journalists' unions of the countries belonging to the European Community at that time, with the addition of the Swiss and Austrian Journalists and the International Organization of Journalists. Secondly, because this text reproduced, while spelling them out or expanding them , the main principles enshrined in the various codes of honour or established by custom.

It should be pointed out that this Munich Declaration, like national codes or other deontological texts, has no binding force. It appeals to the conscience of professional journalists and may be said to constitute a collection of "pious wishes". The prime reason is that,

with all too few exceptions⁽¹⁾ these two texts, although they are supposed to engage the responsibility of journalists, in no way concern their employers. As wage earners, however, in a subordinate position vis-à-vis their employers and their hierarchical superiors, journalists may receive orders that will lead them to act in contradiction with their code of ethics. If they refuse, they commit what is in principle an act of disobedience or are even guilty of professional misconduct.

The first steps to protect journalists in this regard would therefore be to get employers' organizations to endorse ethical rules or at least to issue a formal acknowledgement of them to the representatives of journalists.

A further characteristic of the various codes is that nobody has responsibility for ensuring that professional principles are respected and, if need be, penalizing any violation of them. This is a shortcoming, some claim, for there cannot be obligations without sanctions. It may consequently be recommended that a press council be set up - like that existing in Great Britain and in some Nordic countries, which is empowered to inflict penalties of a purely moral character but that are not without effectiveness in that, decided by the peers of the journalist at fault and thus of formidable value, they are also accompanied by a certain publicity.

(1) First noteworthy exception : the Association of Journalists was successful in its efforts to have the main principles enshrined in the Munich Declaration taken into account in the collective convention of television journalists. Since then, there have been other instances of the same kind in several countries. In France, however, the efforts made towards this end by the journalists' unions and the proposals put forward by the National Federation of Journalists' Associations have met with a persistent refusal on the part of publishers.

There was a time when it could be said that journalists were in the main hostile to such press councils in all countries without a strong tradition of civic discipline ; likewise, codes of honour have incurred the mistrust of journalists who feared that by this means the State or the government would interfere with the way in which the press is run. But there has been a change. The positive experience of press councils or ombudsmen, in Great Britain and Scandinavia, has had something to do with this. Furthermore, the press crisis and successful take-over bids in many countries have given rise to a defence reaction conducive to the emergence of a new attitude towards the independence of journalists and the quality of their work. For this reason the problem of press councils has been engaging the attention of the IFJ for several years, as has that of a code of ethics drawn up by professional journalists themselves that would benefit from the harmonization of the texts or the practice in force in the various regions of the world.

October-November 1979

Resolution Adopted by the 15th World
Congress of the IFJ (Athens, 12-16 May 1980)

During the 15th World Congress of the IFJ, the protection of journalists was discussed in Commission 3, which adopted the following resolutions :

"Commission 3 recognizes the value and importance of the main points expressed in the document on the protection of journalists prepared by the delegates of IFJ and IOJ, at a meeting sponsored by Unesco on 21-22 January 1980.

The Congress instructs the Executive to immediately distribute this document and the summary of the Mexico conference on the same subject, which was held on 2-3 April 1980. It requests that IFJ members formulate their observations on this problem within a two-month period. The Commission stresses that it did not have before it the documents in question and expresses the desire that they be sufficiently focussed on the protection of journalists on mission abroad or in their own countries, where increasing evidence of danger is observed.

In recent years, there has been a constant rise in threat against journalists "abroad" and "in their own countries". It is becoming more and more frequent that journalists are prevented from freely carrying out their work. Equal treatment by the authorities of all journalists, regardless of the publications which they represent, is an essential element of freedom of the press. In many countries, journalists are exposed to harassment, whether it is perpetrated by terrorists or the authorities themselves. They are pursued, arrested, tortured and murdered.

Consequently, the 15th Congress of the IFJ instructs the Executive to take immediate measures necessary for establishing an International Commission for the Protection of Journalists. The work of IFJ in this area should be completed before December 1980, when a meeting will be held between the regional and international journalists' organizations, under the auspices of Unesco, in order to set up such a Commission.

The Congress congratulates Unesco for having taken the initiative and for continuing its work in this field".

This resolution was also adopted by the plenary session.

VIEWPOINT OF THE PRESIDENT* OF IOJ

The present report has been contracted by Unesco as part of its regular programme for 1979-1980, under programme action "Improvement of professional standards and status and protection of journalists" (paragraph 4482 of document 20 C/5 Approved). Thus it is supposed to be a case study "to collect information on the status, rights and responsibilities of journalists, with a view to suggesting ways of improving the status of journalists and information specialists and giving them the necessary protection for the exercise of their profession in the best possible conditions of accuracy and objectivity" (ibid.).

As prescribed by the contract, the first part of this report deals with actual situations while the second part enumerates suggestions. It is taken for granted that on such conditions this study cannot be comprehensive and must not be seen as a definite opinion of the organizations concerned.

I. SITUATION

Any serious report of the situation in all those parts of the world where the IOJ is active would require practically a universal approach and is therefore excluded from the present case study.

* Mr. Kaarle Nordenstreng, in collaboration with consultants from IOJ and the International Association of Democratic Lawyers.

As an illustrative case for the situation in many socialist countries, a separate document of information from the People's Republic of Bulgaria has been prepared by the Union of Bulgarian Journalists.

Latin America and the Caribbean constitutes a region where the topic of this study is of particular importance and urgency for many IOJ members. The proceedings of the second congress of the Latin American Federation of Journalists (FELAP), held in July 1979, provide a good account of the current situation in this hemisphere.

Inventory of international instruments and professional codes

A universal situation report at the level of normative standards is provided by the following summary of a recent study made in the Department of Journalism and Mass Communication at the University of Tampere, Finland. The study is based on ground work by Lars Bruun, reported in the IOJ book "Professional Codes in Journalism" (Prague 1979), and was carried out by Antti Alanen under the supervision of Professor Nordenstreng.

What we have done is simply to compile an inventory of all international conventions and declarations as well as major resolutions that can be considered to be relevant to the field of journalism and mass media. Such a list appears as an Annex to this report and it contains almost fifty documents, so-called "instruments". Included are all such standard-setting instruments, mainly by the United Nations and Unesco, which make direct or indirect reference to the contents or performance of the mass media or which have been referred to by other such "mass media relevant" documents. (Thus instruments of a more technical nature like the International Telecommunication Convention or the copyright conventions are not included in the present inventory, and outside were

left also Unesco agreements concerning the movement of educational, scientific and cultural materials).

The substance matter contained by all those documents having direct or indirect reference to the performance of the mass media (altogether 44 instruments) has been subjected to a crude content analysis by using a schematic classification of various topics covered. The results are presented in the form of illustrative tables, one for each major topical area plus a summary table.

The last table summarizes another inventory carried out in this connection. We also accumulated altogether fifty journalistic codes of ethics, adopted by national or international organizations (mostly professional unions of journalists), and subjected them to a similar crude content analysis using the same classification as for the international instruments.

The table on the following page summarizes in exact figures both of the inventories and provides the basis for comparison between them.

It can be concluded that international law is placing significant standards for the performance of the mass media especially in matters concerning directly international relations, such as promotion of friendly relations between states and peoples and on the other hand prevention of war propaganda (topic categories I-IV). Similarly significant set of standards is directed at matters concerning primarily national level, above all prevention of propaganda for racial or other discrimination (topic categories V-VI).

The topic of "free flow of information" (VII) has not been determined by international law to be more central than standards relating to the six above-mentioned content categories. More specifically,

CONTENT CATEGORIES	CONVENTIONS (12)			DECLARATIONS (14)			RESOLUTIONS (18)			ALL IN- STRUMENTS (44)	ALL CODES (50)
	D	I	N	D	I	N	D	I	N		
Peace and security	3	1	8	6	4	4	9	4	5	27	14
War propaganda	3	5	3	1	6	6	1	2	15	18	5 (3 int)
Friendship etc.	5	1	6	6	4	4	10	5	3	31	12
Objectivity etc.	5	0	7	5	2	7	6	0	12	18	49 (4 int)
Racial equality	1	7	4	5	0	9	3	0	15	16	18
Other duties	5	3	4	8	0	6	11	2	4	29	47 (9 int)
Free flow	5	3	4	7	2	5	8	0	10	25	34 (4 int)

D = direct reference

I = indirect reference

N = no reference

int = specifically international

in view of international law the principle of freedom of information must be subordinated to such obligations as the promotion of peace and security and the prevention of propaganda for war or racism.

Furthermore, it is worth observing that five conventions out of twelve not only provide standards for the performance of the mass media but also touch upon such fundamental issues of journalistic profession as truthfulness and objectivity of information, honesty or prejudices of communicators, etc.

Here it is not possible to go into detail in examining this inventory and the specific substance matter provided by the various instruments. Suffice to note that the instruments studied provide direct references to the mass media both at the level of conventions and at the level of less binding declarations and resolutions, in all of the content categories under consideration. Also it should be observed that states have an obligation to promote the standards concerning peaceful and friendly relations between nations, whereas in matters of primarily national concern they usually have just a right (but not a mandatory commitment) to place standards for the performance of the mass media.

As far as the journalistic codes of ethics are concerned, the present inventory reveals that the codes have largely neglected to consider the particular aspects of international communication. Disregarding general references to truth, freedom, etc. (which do not specifically mention international reporting) and also disregarding here the topic of racial discrimination (which although sanctioned by international law concerns primarily national affairs), we may conclude the three professional codes out of five do not at all cover international questions.

To the extent that any consideration is given in these codes to international level, best represented is the overall standard to promote peace and security, typically combined with the standard to promote friendship and co-operation. On the other hand, standards concerning war propaganda and the nature of information disseminated (truthfulness, objectivity, etc.) are practically absent from the professional codes of journalists, with some notable exceptions such as the national code of magazine publishers in the Federal Republic of Germany (1966) or the latest Latin American code of ethics adopted by the second Congress of FELAP (1979).

The FELAP code deserves special attention since it really represents the best of journalistic traditions and is the only one of all the 50 codes studied which explicitly touches upon each of the internationally relevant content categories considered in the present inventory.

Article 2 of the FELAP Code states that

"Journalism must contribute to the strengthening of peace, peaceful coexistence, self-determination of peoples, disarmament, international detente and mutual understanding among peoples of the world..."

Article 3, listing the unavoidable duties of a journalist, has this to say, among other things :

"To reject propaganda for the inevitability of war and the threat or actual use of force in international conflicts".

Such a code proves that it is indeed possible to arrive at clearly defined principles, formulated and adopted by the profession itself but strictly in keeping with the standards of international

law.

Concerning the topic of truthfulness, the only national code which handles this subject not only in general but also from the point of view of international relations is the Greek "code of deontology" (Article 12 of the statute of press from 1961) :

"8. The reporting and commenting on foreign affairs shall be allowed to those journalists only who have sufficient knowledge of the country, enabling them to report and comment accurately and objectively".

The same idea is included, in a more specified way, in the international declaration of principles of the IUPA (it includes also the standard of correction), and the trace of this can be seen in the United Nations draft international code (Article IV ; the complete text is appended in the anthology edited by Lars Bruun) :

"The obligation of those who describe and comment on events in a foreign country is to acquire the necessary knowledge of the country, enabling them to report and comment on it fairly and accurately".

Summa summarum we can state about the ethical codes of journalism from the viewpoint of international law (1) that the instruments of international law have a broad and comprehensive pattern of obligations media, (2) that from the ethical codes of journalists the viewpoint of international responsibility is usually lacking, and when it appears, it is almost always only in very general terms, and (3) that the instruments of international law include several useful formulations with regard to the developing of the ethical codes of journalists.

It seems that the codes reflect the views corresponding to the

prevailing journalistic practice about international relations and the whole world system. It would not be too erroneous to state that at least in Scandinavia - also in Finland - the problems of international perspective have, until the mid-seventies, remained in the shadow of other discussions and statements concerning good journalistic practice.

The "Internationalization of the world" and the process of the CSCE in particular have created new pressures towards a reorientation. In addition, the Mass Media Declaration of Unesco makes a direct appeal to the organizations and educators of journalists to engage in developing journalistic ethics with the specific stress on international law, and the same appeal is made in the documents designing the "new international information order", particularly advocated by the developing countries.

From international law to journalistic ethics

In a very strict examination international law does not set many direct standards on journalists. Setting standards on the contents of communication is according to the principles of international law the duty of the States, which may within their power of legislation and administration control the information media in the country. Besides, only a few of the most authoritative instruments, namely of the international conventions, treat explicitly the communication media and the journalists.

In fact, the only multilateral international convention that is undisputedly directed to journalists is the Convention on the International Right of Correction from the year 1952. It deals with the questions of the professional responsibility of e.g. correspondent and news agencies. Thus it acknowledges journalists and journalistic responsibility as subjects of international law and also sets a standard to journalists to act responsibly for the causes of peace and international understanding,

specifically taking care for the objectivity of the disseminated information.
The weight of this convention is, though, diminished by the fact that it has not won a notable active support in the international community.

Another international convention which is relevant here is the International Covenant on Civil and Political Rights from the year 1966. It does not even mention the mass media, not to speak about journalists, it is true, but on a general level it sets a standard to use the freedom of information in a responsible way, which no doubt obliges also journalists.

In addition, we must remember the conventions that include standards on information media and journalism in questions of certain specified actions condemnable according to international law (mainly armed aggressions, racial discrimination and genocide).

"Less authoritative" standards and recommendations can be found much more from the international instruments.

The indirect obligations of some international conventions as well as many specific declarations and still more resolutions constitute a many-sided collection of more or less authoritative standards and recommendations in questions of journalism.

This means that the mass media of communication and the journalists working in them have at least the moral obligation and responsibility to keep the contents of communication in terms with the international law. In other words, international law - from its basic principles to single resolutions expressing the will (of the majority) of the international community - must be seen as an essential source of journalistic ethics.

The Mass Media Declaration of Unesco from the year 1978 is an important confirmation to the statement above, both in view of international

politics and international law. The Mass Media Declaration puts journalistic ethics in the frame of international law and international relations in general. In addition to the fact that the declaration as a whole advocates the linking together of international law and journalistic ethics, it includes a specific article (VIII), in which professional organizations and persons responsible for journalistic training are urged to "attach special importance to the principles of this Declaration" when drawing up and ensuring application of their codes of ethics.

Journalistic ethics in general means the social and professional aims and principles which journalists should follow in their profession. Usually journalistic ethics is defined and controlled by a professional organization of the journalists themselves, sometimes also a multilateral organization including representatives of the publishers, owners, journalists, etc. This represents professional self-regulation: the craft itself tries to take care that the general norms of society, including laws controlling communication, are obeyed in journalism. There are also mass media councils controlling journalistic ethics and practice, representing corporatively several interest groups of mass communication: journalists, publishers and the so-called general public.

The real importance of such councils is completely dependent on the prevailing social conditions. For example in many developing countries the journalistic unions and possible media councils are semi-official organs of the State; in the Western industrial countries, however, they are markedly independent of the State.

In this context the differences of social conditions is not the main question because we are examining only the reflection of the standards of international law in journalistic ethics - not the way

journalism and its ethics are controlled in society in general. Besides, a considerable part of the principles of journalistic ethics is universal : we can even speak about universal ethics of journalism.

The meaning of these codes in the process of the production and control of mass communication is basically a very problematic question the solving of which is possible only with regard to the specific social conditions of each country. We must particularly note that the journalists, as individuals or as a group, are not usually juridically, economically or politically responsible for the production of mass communication. Rather they are simply labour force paid to perform a task by the employer. For this reason it would be even misleading to overemphasize the meaning of professional ethics : that would tempt us to think that it is the journalists who in the final analysis are responsible for the production of mass communication. On the other hand, the specific professional codes contribute to the endeavour of the journalists towards independent reporting. (For a closer discussion of this question, see the above-mentioned IOJ book edited by Lars Bruun).

II. SUGGESTIONS

This part of the report contains first an overall position concerning the status, rights and responsibilities of journalists, and secondly some proposals of a more concrete and practical nature with a view to promoting the profession of journalism.

Fundamental approach

The overall position held by the IOJ with regard to the rights and responsibilities of journalists has been outlined in a separate document prepared for the International Commission for the Study of Communication Problems at Unesco (nr. 53, "Responsibility and Obstacles

in Journalism").

This approach is based on the sociological fact that journalism like all other forms of social communication is fulfilling specific tasks in society, tasks conditioned by the role and function of the mass media in terms of fundamental social structures. Thus no matter whether the prevailing journalistic ideology perceives and accepts it or not, journalism is always serving certain fundamental social interests, including class interests. The profession of journalism is bound to be tied with fundamental social forces and it cannot step outside the social structures - except for generating an illusory conception of absolute independence.

In a serious scientific approach the social tasks performed by journalism lead to a natural articulation of the social objectives and to corresponding social responsibilities. In this context journalistic responsibility is of a fundamental nature and it conceptually precedes journalistic rights since the latter are seen as preconditions for the profession in order to fulfil its tasks. In this connection it is not necessary to enter into more in-depth analysis of the relation between journalistic rights and responsibilities, since here we only need to observe the fundamental interrelation between the two aspects : professional rights and responsibilities of journalists constitute a unity which cannot be broken without distorting an analytical understanding of the social role of journalism.

The unity of rights and responsibilities is well reflected in what is known as professional ethics in journalism. It is not difficult to see that the roots of journalistic ethic are not in more or less mechanistically defined professional practices but in the overall objectives which journalism is supposed to serve. Thus journalistic ethics is not composed of a set of distinct rules in terms of rights

and responsibilities but in a fundamental sense it is a reflection of certain social objectives advocated by the profession. Therefore it is natural and necessary that any discussion about the protection of journalists departs from the question of what social objectives the profession to be protected is advocating. The meaning of protection is ultimately to ensure the fulfilment of certain overall objectives (positive aspect) and only in a secondary sense it means the removal of obstacles (negative aspect).

The most universal of journalistic objectives is a strive for truth, as is indicated by the inventory of professional codes contained in the above-mentioned IOJ book. However, truth is a very general concept open for several different interpretations, and there is an obvious need to further specify the journalistic objectives in this respect. An important contribution to this effect is provided by recent theoretical work by Scandinavian scholars concerning the concept of objectivity. (See the article by Professor Hemanus in The Democratic Journalist, October 1979).

As far as the status of journalists is concerned, it is taken for granted that the journalists are nowadays performing a very important role in their societies as well as for the international community, as is shown among others by the Mass Media Declaration of Unesco. On the other hand, there are many other professional groups which also play a vital role in society and for international relations. Juridically speaking there seems to be no grounds for extending, through an international convention, special privileges and immunities exclusively for journalists. If this was done, journalists would be the only professional category besides diplomats to enjoy such privileges and immunities when being abroad. Furthermore, in such a situation journalists would need to become practically State agents since the special privileges and immunities have been granted to diplomats in their

function of representatives of the State and thus States as such are responsible for acts of misbehaviour of such persons.

Consequently, protection of journalists should not take the form of recognizing, through an instrument of international law, certain exclusive privileges and immunities, except for special cases like perilous missions. This does not mean that nothing could be done through international agreements for improving the conditions of the profession. The Final Act of Helsinki is an example of such agreements which may be reached between States, particularly on a regional level.

Some practical proposals

The following passage contains some ideas as a basis for discussion concerning what ways and means could be found to improve the protection of journalists within the overall approach outlined above. The following is not to present an exhaustive catalogue of the problems concerning the profession of journalism ; still less it claims to bring any thorough and definite solutions to them. In a more modest fashion, we try to identify central problems and to suggest certain elements to their solution which would respect the diversity of the legislative systems and practices of different nations.

1. The definition of a journalist

It seems to us indispensable that a detailed definition of a journalist is a prerequisite for any international instrument protecting journalists. Otherwise the target of protection would be unclear and there would be no effective impact for such instruments. Furthermore, every State has legitimate grounds to prevent a misuse of such protection in cases where immunity is guaranteed for individuals who under the cover of journalism commit acts of a quite different nature such as espionage or unlawful propaganda.

A requirement to define a journalist does not mean that we would suggest a harmonization of national legislations and practices which are extremely disparate, ranging from the obligation of journalists to possess an official card granted by the authorities of the State to the possibility of every citizen to exercise journalistic activities, even quite occasionally.

Yet a common core of characteristics of the profession - including rights and responsibilities - may be determined for the purpose of defining a journalist with a view to his/her protection through international agreements. However, it should be noted that such a definition has a very specific nature which is strictly speaking valid only for this kind of international agreement and not for other eventual definitions at the national or international level.

In any case it seems to us that whenever the right to exercise the profession of a journalist is refused or withdrawn, States should have a democratic procedure of a juridical nature to make an appeal. As a practical step, Unesco should invite States to launch democratic procedures, wherever such procedures exist, on the following basis :

The composition of the organs responsible for delivering or denying such cards should meet the requirement of objectivity. They could be either trilateral (State, employers, journalists) or organs based on parity (the owners of the public and private media on the one hand, and the organizations of journalists on the other).

The persons whose journalistic card is denied or cancelled must have effective juridical appeal. This may be done either directly to legal proceedings of the court, or first to another

commission of appeal.

2. Duties and rights of the profession

The question of national legislations regulating the profession of journalists concerns the appropriate relations between the States and the journalists and hence is very problematic. Some organizations of journalists seem to be willing to ignore the States and to restrain themselves from any efforts towards creating a system of protection of journalists in which the States would participate. This attitude is in our opinion unrealistic because at the present stage of the international community the definition of the structure and the limits of the action of the media is dependent on the sovereignty of the States. Therefore any proposal concerning the profession of the journalist will probably remain purely Platonic if it excludes the participation of the States, either as such or as members of the intergovernmental organizations.

As an example of formulating the duties and rights of journalists in a national law, let us quote relevant articles of "Norms for the practice of journalism in the Republic of Panama" (law passed in 1978) :

ARTICLE 15 : It is the duty of the journalist to adjust its activity to the principles of professional ethics, at the service of truth and information objectivity.

ARTICLE 16 : Rights of the journalists are :

- (a) Affiliation to the trade union or any other legally constituted journalist organization.
- (b) To receive priority attention in the social communication

media for information provening from its trade union or organization, and

- (c) To carry a special token in its work vehicle, it not implying exemption from taxes or permission for the violation of traffic rules.

Paragraph : The journalist is not forced to write against itself in the social communication media.

As was pointed out in the preceding part of this report, international instruments, including international law, prescribe several elements for both duties/responsibilities and rights directly or indirectly concerning journalism. As to the duties, the following types of standards for the performance of the mass media can be distinguished :

- (a) Standards of military nature
 - combating war propaganda
 - promotion of disarmament
- (b) standards of political nature
 - promotion of peace and security
 - promotion of friendly relations between States and peoples
 - promotion of international co-operation
 - combating racialism and apartheid
 - combating defamatory and subversive propaganda
 - protection of moral values
- (c) standards of journalistic nature
 - elimination of false and distorted reports
 - strive for objectivity
 - protection of privacy
- (d) standards on decolonization
 - combating colonialism and neo-colonialism
 - promotion of the New International Economic Order

Thus détente (both military and political) and decolonization are not just customary political standards held by limited circles but legitimate "codes of conduct" for the international community at large, including all mass media systems.

In this connection it needs to be emphasized that the elaboration of the codes of professional ethics is an essential element of the protection of journalists. It is furthermore necessary that the elaboration of the codes is carried out by or under the control of the organizations of professional (working) journalists and that they are recognized by the States and the owners of the mass media to be the "fundamental law" regulating the professional practice.

It is striking to find out that repressive legislation is the most binding towards the journalists where the codes of ethics are lacking or ignored outside the profession (the case of Great Britain is a typical example of the second situation).

In our opinion the codification or harmonization of an international level should be the task of the international and regional organizations of working journalists, even if they are called together under the patronage of an intergovernmental organization (Unesco).

It seems necessary to appeal to the organizations of journalists to integrate in their codes of ethics, at whatever level they may be, the international instruments concerning the mass media and the profession of journalism, both international treaties and conventions, and declarations and resolutions adopted by international organizations, notably United Nations and Unesco.

The above-summarized study of the codes of deontology in force shows that many of them still ignore the standards of the international instruments.

It may be noted that so far it is typically on a regional scale that the efforts in the codification of the journalistic practices or in the protection of the journalists have been successful (Latin America with the code of ethics of the FELAP, Europe with the "third basket" of the Final Act of the Conference on Security and Co-operation in Europe). It can be expected that a growing respect towards the principles and solutions of the international instruments, applied on a regional scale, will clear out the way towards a systematization and enumeration of the principles common to the whole of the international community.

Concerning the rights and freedoms, it is also possible to speak about a common core that the States should adopt in order to guarantee the normal exercise of the profession of the journalists along the following lines :

freedom to search, receive and transmit information on condition that the journalist obeys the rules of deontology and does not violate the national practices and legislation concerning national security, the right to privacy and public morals ;

equal treatment of journalists without discrimination on the ground of race, religion, nationality, colour, sex, language, political or philosophical opinion or national or social origin ;

equal treatment of foreign correspondents ;

freedom of movement and of normal use of the means of transmission in the exercise of the profession ;

right to freedom of thought and conscience ;

guarantees against distortion of opinions and comments in publication ;

right to association, to establish professional and trade organizations, both national and international, to join them freely and participate in collective action, notably the right to strike as it is defined by the 8. article, paragraph 1 (C) of the International Covenant on Civil and Political Rights.

While it cannot be denied that it is the task of the sovereign States to decide the limits that can restrict the full exercise of these liberties, either in general or in exceptional circumstances, such restrictions must :

be explicitly prescribed by law :

not constitute a means to the governments to obstruct the free exercise of the profession of the journalists by detour.

3. Monitoring of the field

A useful way to proceed in the efforts of reflection upon the protection of journalists and other related questions would be the creation of organized forms of reflection in which the different points of view could confront each other in a constructive fashion.

From this point of view there are many opportunities : regional and national press councils, press institutes, a specialized international organization, periodical conferences, etc.

In our opinion some of these arrangements are premature (founding a specialized international organization) or inapplicable (the World Press Council).

The following solution is in our opinion both flexible and useful :

A World Press Institute could be created to constitute a permanent forum of reflection for the organizations of journalists. The plan of Mr. D.R. Mankekar, Former Chairman of the Co-ordination Committee of the Press Agencies Pool of Non-Aligned Countries, serves as a useful sketch in this process.

A periodical conference concerning the problems of communication could usefully promote such a World Press Institute and constitute a forum for propositions to both the States and the international organizations. This conference should unite the organizations of the journalists, the owners of the media, and the States. In order to avoid the delicate problem of choosing the States, their participation should be examined by a competent intergovernmental organization, notably Unesco.

In addition to such multilateral world-wide mechanisms and practices for follow-up, we should not forget the normal work of the international and regional professional organizations of journalists. Concerning the IOJ, it is intensifying its efforts in this area with an initiative to establish (during 1980 and in collaboration with the IADL) an international committee for the defence of the democratic rights of persecuted and oppressed journalists.

Draft International Instrument Submitted to the Consultation

On the Protection of Journalists

(Paris, 17-18 May 1979)

The draft international instrument submitted to the consultation on the protection of journalists, convened by the International Commission for the Study of Communication Problems, is as follows ⁽¹⁾ :

1. Considering that by the terms of Article 19 of the Universal Declaration of Human Rights : "Everyone has the right to freedom of opinion and expression ; this right includes freedom to hold opinions without interference and to seek, received and impart information and ideas through any media and regardless of frontiers",

2. Considering that Article II, paragraph 4, of the Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Recialism, Apartheid and Incitement to War stipulates that "if the mass media are to be in a position to promote the principles of this Declaration in their activities, it is essential that journalists and other agents of the mass media, in their own country or abroad, be assured of protection guaranteeing them the best conditions for the exercise of their profession",

3. Considering that Article IX of the same Declaration states that "it is for the international community to contribute to the

(1) The Protection of Journalists ; document published by the International Commission for the Study of Communication Problems, No. 90, Annex II.

creation of the conditions for a free flow and wider and more balanced dissemination of information, and the conditions for the protection, in the exercise of their functions, of journalists and other agents of the mass media", adding that "Unesco is well placed to make a valuable contribution in this respect",

4. Recalling that, by the terms of Article 5, paragraph 3, of Unesco's Declaration on Race and Racial Prejudice, "The mass media and those who control or serve them, as well as all organized groups within national communities, are urged - with due regard to the principles embodied in the Universal Declaration of Human Rights, particularly the principle of freedom of expression - to promote understanding, tolerance and friendship among individuals and groups and to contribute to the eradication of racism, racial discrimination and racial prejudice in particular by refraining from presenting a stereotyped, partial, unilateral or tendentious picture of individuals and of various human groups,"

5. Recalling further the efforts to promote respect for freedom of information at the regional level and in particular the Final Act of the Conference on Security and Co-operation in Europe by the terms of which the Participating States made it their aim, inter alia, "to facilitate the freer and wider dissemination of information of all kinds, to encourage co-operation in the field of information and the exchange of information with other countries, and to improve the conditions under which journalists from one participating State exercise their progression in another participating State...",

6. Convinced that the quest for and dissemination of information implies that journalists, who play an essential role in ensuring freedom of information for all, should enjoy appropriate protection.

Are agreed for this purpose upon the following provisions :

I. Definition of the Journalist

1. For the purposes of the following provisions "journalist" means any person, irrespective of nationality, who is regularly and professionally engaged as an editor, reporter, photographer, cameraman or technician of the press, radio, television or filmed news service in seeking, receiving or imparting information, including opinions, ideas and comments, for daily or periodical publications, press agencies, radio or television broadcasting services or filmed news services.

2. In order to benefit from the following provisions, such persons must have the status of journalist by virtue of the law or practice of their country of nationality or residence, and consequently be in possession of a professional card or equivalent document issued by a national instance or by an international organization competent to do so. In the event of such a card being refused or withdrawn, the person concerned should have the right of any effective remedy before a national or international body, as the case may be.

3. The journalist must in all cases enjoy all human rights and fundamental freedoms proclaimed by the Universal Declaration of Human Rights and guaranteed by the International Covenants on Human Rights of the United Nations, which are necessary to him for the exercise of his profession.

II. Journalists' Duties

1. It is incumbent upon the journalist to exercise his profession in the full awareness of his duties towards the national

and international community, towards all men and all women, without distinction of any kind, such as race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status, and towards his own profession. In particular, the exercise of the profession of journalists entails the moral obligation to report the facts in their context and to comment upon them without malicious intent.

2. In the exercise of his profession, the journalist must abide by the ethical or professional rules drawn up or adopted by the organised profession itself and relating in particular to the following matters : ensuring as far as possible the truth and accuracy of all information and gathering it by fair and lawful means ; prohibition of plagiarism and all similar procedures ; as rapid as possible correction of inaccurate information ; the maintenance of a clear distinction between facts and comments, reporting facts without distortion and commenting upon them fairly and without malice ; guarantees against confusion between news and advertising ; respect for privacy ; the need to refrain from libellous allegations and all improper use of journalism for police and subversive purposes or for purposes of espionage ; appropriate protection of professional secrecy, together with the possibility of being released thereof, in particular case, by his or her professional organization.

3. While endeavouring to guarantee access by the public to information through the diversity of sources thereof, it behoves the journalist to :

- facilitate the solution of the economic, social and humanitarian problems of the world, by the free exchange of information bearing on them ;
- help to promote respect without discrimination for human rights

and fundamental freedoms and in particular the freedom of information ;

- help to maintain international peace and security ;
- take account of all cultural values and respect in particular all features specific to individuals or human groups of different race, language, religion or philosophical conviction.

III. Journalists' Rights

1. No discrimination may be practised between journalists authorized to exercise their profession in a given country, on the basis of their race, colour, nationality, sex, language, religion, political or other opinion, national or social origin, in respect of the quest for or receipt or imparting of information, including opinions, ideas and comments, in particular from official sources, available for publication.

2. Foreign correspondents and special correspondents shall, regardless of their nationality, enjoy equal treatment in respect of the quest for or receipt or imparting of information, including opinions, ideas and comments, in particular from official sources ; available for publication.

3. For the purpose of exercising their profession, journalists shall enjoy :

- freedom to seek, receive and impart information, including opinions, ideas and comments, regardless of frontiers, either orally, in writing or in print, or in the form of art or by lawful visual or audio processes, without interference from the public authorities or private individuals, and for this purpose to enjoy appropriate protection in respect of their working tools (camera, files, etc.) ;

- freedom of movement for the purpose of exercising their profession and, in the case of foreign correspondents, facilities for entering, residing on and leaving the territory of a State in the exercise of their profession ;
- freedom of use of the means of transmission of information normally available to the public ;
- the right to freedom of thought and conscience, and in particular freedom from all obligation to exercise their profession in a manner contrary to their will ;
- effective guarantees against all distortion, even partial, of information, including opinions, ideas and comments, transmitted for publication purposes ;
- the right to equitable remuneration, which takes account of the specific duties which they are called upon to perform.

4. The exercise of these rights, freedoms and facilities may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary in a democratic society :

- for respect of the rights and reputation of others ;
- for the protection of national security or of public order or of public health or morals, with the proviso that such restrictions shall not lead to the establishment of prior, systematic and generalized censorship of information, including the expression of opinions and comments.

5. Journalists must enjoy effective guarantees against arbitrary dismissal and have the opportunity to take part, through freely elected representatives, in the management of media enterprises.

6. The internal organization of media enterprises should guarantee the freedom of expression of journalists, who must at any moment be able to invoke the conscience clause enabling them to safeguard their professional integrity and freedom of expression.

7. For the purpose of protecting their economic, social and professional interests, journalists shall be free to form trade unions at the local, national or international level, to become members thereof and to undertake collective action, including the right to strike exercised in accordance with Article 8, paragraph 1c, of the International Covenant on Economic, Social and Cultural Rights and subject to such obligations as may result from freely concluded collective agreements.

8. In the event of armed conflict - whether international or non-international - of internal riots and disturbances, journalists should be afforded the protection and facilities needed for them, to be able to perform their functions in accordance with professional rules. In particular, journalists on dangerous professional missions in areas where there is armed conflict, whether international or non-international should be afforded the protection provided for under Article 79 of Protocol I of the Geneva Conventions of 1949.

IV. Measures for Implementation

1. Any individuals, organization or authorities should be entitled to have published a correction, without undue delay, of any inaccurate information concerning them if they can establish a legitimate interest in having the inaccuracy corrected, and providing that the exercise of this right shall not constitute a distinctive abuse.

2. Press councils or other bodies exercising similar functions, administered by the organized profession or in agreement therewith, and before which all guarantees of judicial procedure shall be assured, should be empowered to receive complaints against journalists in cases where their conduct is alleged to be incompatible with ethical or professional rules, to investigate the validity of such complaints, and to administer a reprimand or any other sanction specified by the said rules.

3. A Round Table comprising representative organizations of journalists, representatives of press councils and bodies exercising similar functions, of organizations representing media enterprises, States and international organizations shall be organized each year under Unesco's aegis with a view to identifying problems relating to the protection of journalists which have arisen during the preceding year and to proposing appropriate measures both to Member States and to the international organizations concerned.

V. Review

The foregoing provisions shall be reviewed after a period of five years in the light of the experience acquired during their application and of any new development at the national and international levels.

A World Press Institute

By D.R. Mankekar

A Press Institute has a more acceptable connotation and wider functions than a Press Council, apart from the fact that many detest the latter term, and are not prepared to countenance it at an international level.

The Press Council has acquired the image of an apparatus of external control and constraints on the Press amounting, in the eyes of many, to violation of freedom of the Press. In contrast, a Press Institute is universally accepted as a benign institution. The dictionary defines it as "an organization for the promotion of a cause." A Press Institute embraces a wider range of constructive duties and obligations towards the Press and other media, as also to the international public.

Fully Autonomous Body

The World Press Institute of my conception will be fully autonomous professional organization, though funded by and set up under the aegis of Unesco. Its main aim will be the promotion of the cause of communication media, ensuring free, fair and equal access to the media, particularly in the international arena.

The Institute will be managed and run by a governing body comprising wholetime professional mediamen, elected and representative of the world's recognised international professional organizations. The board of governors and its chairman will be elected every year -

a convention of yearly rotation for chairmanship between the three recognised ideological blocs (first, second and third World) may be advisable.

Only wholetime, professional working journalists of at least five years standing and experience in a recognised newspaper or news organization, including audio-visual media, shall be eligible for membership of the Institute.

For practical reasons, the professional media organizations will have to recognise the realities and accept the existence of the three prevailing ideologies in the world in regard to the role of media in society, viz. the First World, the Second World and the Third World. This implies evolving agreed conventions, rules and regulations and seeking workable common measures between the three "Worlds".

Aims and Objectives

The aims of the Institute will be to foster highest standards of journalism, both print and audiovisual, in the international arena, and to promote world peace and understanding, and combat racialism, apartheid, colonialism and neo-colonialism.

The Institute will :

- 1) conduct refresher courses for foreign correspondents ;
- 2) organise special orientation courses for fresh foreign correspondents preliminary to and in preparation for a foreign assignment (thus remedying a common complaint that many foreign correspondents are sent on foreign

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assignments without adequate equipment such as background knowledge and understanding of the language of the country to which they are accredited ;

- 3) oversee the performance of the media and evolve a code of conduct and ethics for foreign correspondents ;
- 4) bring closer together journalists of various ideologies and political persuasions under one roof, encouraging them to work, think, and eat and play together, and jointly solve common professional problems in the international arena ;
- 5) formulate guidelines for laying down terms and conditions of work and rights as well as responsibilities, of foreign correspondents and obligations of the state to them.

The Institute will further take over the responsibility of arranging for visas and travel facilities for correspondents to move across borders and to and from countries easily and expeditiously.

The Institute, it is presumed, will be equipped with the best possible library and documentation centre, so that mediamen and scholars in the field will turn to the Institute for their academic and journalistic studies and research.

The Institute will carry out fundamental as well as empirical research on media problems arising from day to day in international news coverage. The Institute could also serve as a centre for higher studies in journalism, audio-visual media and communication. Scholars in the field should be attracted to the facilities offered to spend their sabbatical leave at the Institute.

W.P.I.'s activities

The Institute will take special interest in the study of the deficiencies prevailing in the flow and pattern of news and suggest remedies, as also examine the complaints from the LDCs about imbalance bias and distortions in the news services supplied by the trans-national news agencies.

The Institute will present a yearly report to UNESCO critically reviewing the performance of the media at the international level.

The Institute, through its activities, will relieve Unesco of some of its responsibilities by taking over the task of ensuring implementation of and follow-up action on U.N. and Unesco conventions, charters and declaration, in the area of human rights and media and communication.

The Institute should play the role of a self-regulating as well as a watch-dog body. Comprising as it does exclusively of representatives of non-official professional journalistic institutions, there should be no objection from any quarter to the WPI playing such a role. The WPI thus keep a close watch on the performance of the media and record and entertain complaints and report on any breaches of the mediemen's code of conduct and ethics. It will, at the same time, censure governments that mistreated and obstructed foreign correspondents in the course of discharge of their professional duties.

Recommendation N°. 45 of the Intergovernmental Conference on
Communication Policies in Asia and Oceania concerning the
Protection of Journalists

(Kuala Lumpur, 5-14 February 1979)

The Conference,

Convinced that rights and responsibilities of media go hand in hand and that it is in the interests both of governments and media that such rights and responsibilities should be widely recognized,

Considering that journalists should function with a due sense of social responsibility and accountability both to their own societies in the domestic field and to the international community,

Believing that the bias and distortion which characterizes some international news reporting indicates in some cases a lack of professional responsibility,

Believing that journalists should have freedom to report and the fullest possible facilities of access to information,

Requests Unesco to consult with professional bodies of journalists and encourage them to co-operate together with a view to evolving professional codes and promoting higher journalistic and ethical standards among international newsmen ;

Recommends to Member States with due respect to national laws and regulations, to provide the best conditions for journalists to exercise their profession including freedom of movements and protection of life and limb.

Recommendation N°. 48 of the Intergovernmental Conference on
Communication Policies in Asia and Oceania concerning the
Protection of Journalists

(Kuala Lumpur, 5-14 February 1979)

The Conference,

Considering the urgent need to upgrade the overall level of the practice of journalism in the region as well as in other regions and to accelerate the rate of manpower development for the press,

Recognizing that continuing efforts need to be made towards the attainment of the highest possible technical and ethical standards in the world press, cinema, radio and television,

Aware of the immense benefits to be derived from opportunities for media practitioners throughout the world to share experience and to exchange views on the profession and philosophy of journalism as a means of promoting understanding and world peace, and

Realizing that a programme for the attainment of such interaction of a global basis falls outside the competence of any single national or regional authority,

Requests Unesco to consult with interested organizations with a view to conducting a feasibility study for the establishment of a world press institute.